

THE
PREROGATIVE
Ch. o f Pale
PARLIAMENTS
in ENGLAND:

Proued in a Dialogue (*pro & contra*) betweene a Councellour
of State and a Justice
of Peace.

Written by the worthy (much lacked and
lamented) Sir Walter Raleigh Knight,
deceased.

Dedicated to the Kings Maiestie, and to the
House of Parliament now assembled.

Preserued to be now happily
(in these distractred Times)
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To the KING.

Most gracious Soueraigne :



*Hote that are sup-
prest and helpelesse
are commonly silent,
wishing that the
common ill in al sort
might be with their
particular misfor-
tunes : which dispa-
sition, as it is un-
charitable in all
men, so would it be*

*in me more dogge-like then man-like, to bite the
stone that strooke me : (to wit) the borrowed autho-
ritie of my Souerayne misinformed, seeing their
armes and bands that flang it, are most of them al-
ready rotten. For I must confesse it ener, that they
are debts, and not discontentments, that your Ma-
iesty hath laid upon me ; the debts and obligation of
a friendlesse aduersity, farre more payable in all
Kinds, then those of the prosperous : All which, nor*

the

the least of them, though I cannot discharge, I may yet endeavour it.

And notwithstanding my restraint hath retrenched all wayes, as well the wayes of labour and will, as of all other imployments, yet hath it left with me my cogitations, then which I haue nothing else to offer on the Altar of my Loue.

Of those (most gracious Soueraigne) I haue vsed some part in the following dispute, betwenee a Counsellour of Estate, and a Justice of Peace, the one dissuading, the other perswading the calling of a Parliament: in all which, since the Norman Conquest (at the least so many as Histories haue gathered) I haue in some things in the following Dialogue presented your Maiestie with the contentions and successses.

Some things there are, and those of the greatest, which because they ought first to be resolued on, I thought fit to range them in the front of the rest, to the end your Maiestie may be pleased to examine your owne great and Princely heart of their acceptance, or refusall.

The first is, that supposition, that your Maiesties Subjects give no thing but with adiunction of their own interests, interlacing in one and the same all your Maiesties relieve, and their owne liberties; yet that your Maiesties pietie was ever suspected, but because the best Princes are ever the least jealous, your Maiestie judging others by your selfe, who haue abused your Maiesties trust. The fear'd continuance of the like abuse may perswade the pro-
usson.

xision. But this caution, how ever it seemeth at first sight, your Maiesy shall perceiue by many examples following but frivoles. The bonds of Subjects to their Kings shoulde always be wrought out of Iron, the bonds of Kings unto Subjects but with Cobwebs.

This it is (most renowned Soueraigne) that this trafficke of assurances bath beeene often urged, of which, if the Conditions had beeene easie, our Kings haue as easily kept them; if hard and prejudiciale, either to their honours or estates, the Creditours haue beeene paid their debts with their owne presumption.

For all binding of a King by Law upon the aduantage of his necessitie, makes the breach it selfe lawfull in a King. His Charters and all other instruments being no other then the furnishing witnessses of unconstrained will: Princeps non subiicitur nisi sua voluntate libera, mero moto & certa Scientia: Necessary words in all the grants of a King witnessing that the same grants were given freely and knowingly.

The second resolution will rest in your Maiesy, leaving the new impositions, all Monopolies, and other grievances of the people to the consideration of the House; Provided, that your Maiesties revenue be not abated, which if your Maiesy shall refuse, it is thought that the disputes will last long, and the issues will be doubtfull: And on the contrary, if your Maiesy vouchsafe it, it may perchance be stille a yeeling, which seemeth by the sound to b. aue the Regality.

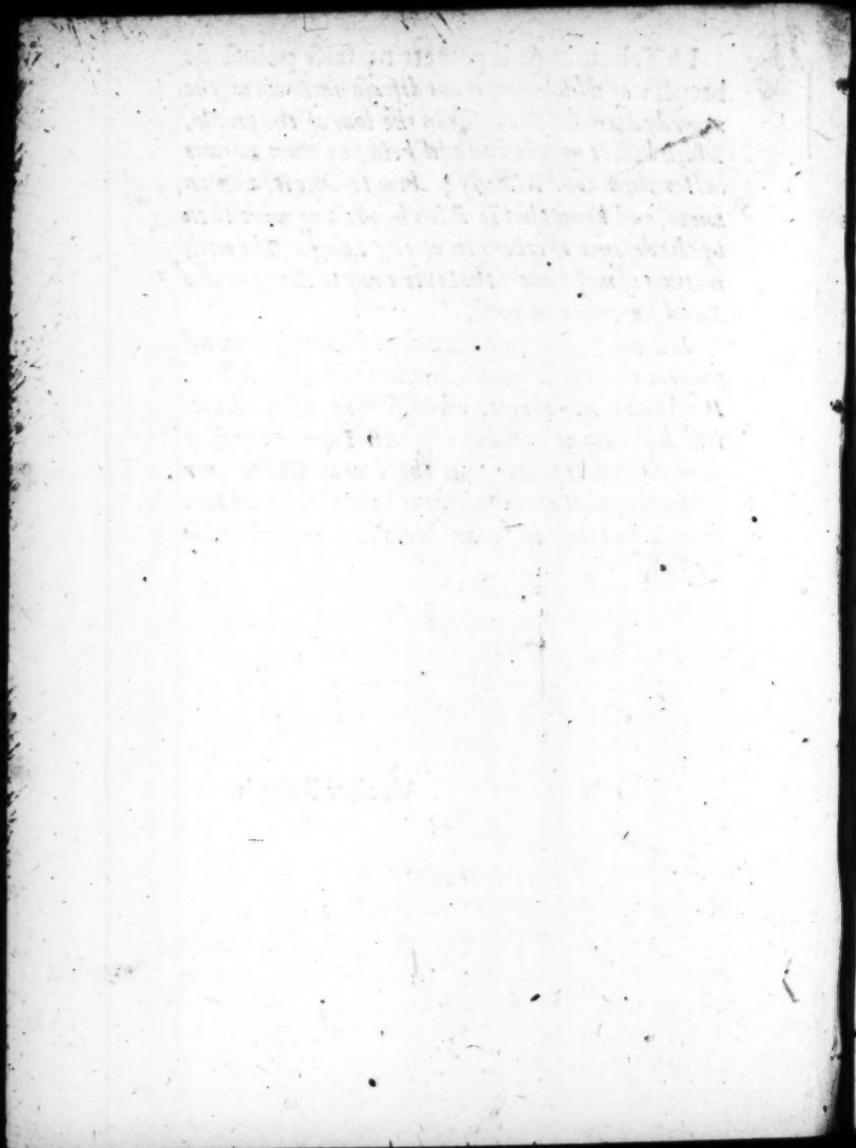
But (most excellent Prince) what other is it to
sheares of the wife, but as the sound of a trumpet,
hawing blasted forth a false Alarme, becomes but
common ayre? Shall the head yeeld to the feet?
certainly it ought, when they are grieved; for wis-
dome will rather regard the commodity, then obiekt
the disgrace, seeing if the feet ly in fettters, the
head cannot be freed, and where the feet feele but
their owne paines, tho head doth not onely suffer by
participation, but withall by consideration of the
euill.

Certainly, the point of honnour well weighed hath
nothing in it to euene the ballance, for by your Ma-
iesties fauour, your Maiesy doth not yeeld either to
any person, or to any power, but to a dispute onely, in
which the Proposition and Minor proue nothing
without a conclusion, which no other person or power
can make, bnt a Maiesy: yea, this in Henry the
third his time was called a wisedome incomparable.
For, the King raised againe, recovers his authority:
For, being in that extremity as hee was driven with
the Queene and his Children, Cum Abbatibus &
Prioribus satis humilibus hospitia quartere &
prandia: For the rest, may it please your Maiesy
to consider that there can nothing befall your Ma-
iesty in matters of affaires more unforunatly then
the summons of a Parliament, with ill successe: A
dishonour so perswasive and aduenturous as it will
not onely finde arguments; but it will take the lea-
ding of all enemies that shall offer themselves against
your Maiesies estate.

Le Tabourin de la paurete ne fait point de
breust : of which dangerous disease in Princes, the
remedy doth chiefly consist in the loue of the people,
which how it may be had and held, no man knowes
better then your Maiestie ; how to loose is, all men
know, and know that it is lost by nothing more then
by the defence of others in wrong doing. The onely
motives of mischances that ever came to Kings of this
Land since the Conquest.

It is onely loue (most renowned Soueraigne) must
prepare the way for your Maiesties following desires.
It is loue which obeys, which suffers, which giues,
which stickes at nothing : which Loue, as well of
your Maiesties people, as the loue of God to your
Maiestie, that it may alwayes hold shall be the con-
tinuall prayers of your Maiesties most humble
vassall,

Walter Ralegh.



quicunq[ue] satis et dignum sicut illud est. V. 1. 2. 2. 3. 4.

Howe greate damage vndid hove you done to me? I saye to



A DIALOGUE BE- TWEENE A COVN- SELLORV OF STATE, AND A IVSTICE OF PEACE.

COVNS ELLORV.

Now Sir, what think you of Mr. St. Johnes triall in Star Chamber? I know that the brute ran that he was hardly dealt withall, because he was imprisoned in the Tower, seeing his dissuasion from granting a Benevolence to the King was warranted by the Law.

IVSTICE. Surely Sir it was made manifest at the hearing, that Mr. St. John was rather in loue with his owne letter, he confessed he had seene your Lordships letter before hee wrote his to the Major of Marleboroug, and in your Lordships letter there was not a word whereto the Statutes by Mr. St. John alledged, had reference; for those Statutes did condemne the gathering of money from the Subject, under title of a free gift; whereas a fift, a sixt, a tenth, &c, was set downe and required. But my good Lord, though divers Shires haue given to his Maiestie, some more, some lesse, what is this to the Kings debt?

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C O V N S. VVe know it well enough, but we haue many other projects.

I V S T. It is true my good Lord: but your Lordship will find, that when by chefe you haue drawne many perty lumb from the subjects, & those sometimes spent as fast as they are gathered, his Majestie being nothing enabled thereby, when you shall be forced to demand your *great aide*, the Countrey will excuse it selfe in regard of their former payments.

C O V N S. VVhat meane you by the *great aide*?

I V S T. I meane the aide of Parliament.

C O V N S. By Parliament, I would faine knou the man that durst perswadeth the King vnto it, for if it shoulde succeed ill, in what case were he?

I V S T. You say well for your selfe my Lord: and per-chance you that are lovers of your selves(vnder pardon) do follow the advice of the late Duke of *Alua*, who was ever opposite to all resolusions in busynesse of importance; for if the things enterprized succeeded well, the advice never came in question: If ill, (whereto great vndertakings are commonly subiect) he then made his advantage, by remembraunce his Countrey councell: But my good Lord, these reserved Politicians are not the best servants, for hee that is bound to ad-venture his life for his Master, is also bound to adventure his advice, *Keep not backe counsell (saith Ecclesiasticus) when it may doe good.*

C O V N S. But Sir, I speake it not in other respect then I think it dangerous for the King to assemble the three estates, for thereby haue our former Kings alwayes lost somewhat of their *privileges*. And because that you shall not thinke that I speake it at randome, I will begin with elder times, wherein the first contention began betwixt the Kings of this land, and their subiects in Parliament.

I V S T. Your Lordship shall doe me a singular favour.

C O V N S. You know that the Kings of *England* had no formal Parliament till about the 18. yeare of *Henry the first*, for in his 17. yeare, for the marriage of his daughter, the King raised a tax vpon every hide of land by the advice of his pri-

by councell alone. But you may remembre how the Subjects
were one after the establishment of this Parliament, beganne to
stand vpon termes with the King, and drew from him by
strong hand and the sword the *great Charter*.

I v s t. Your Lordship sayes well, they drew from the
King the *great Charter* by the sword, and hereto the Parlia-
ment cannot be acculed, but the Lord.

C o v n s. You say well, but it was after the establis-
hment of the Parliament, and by colour of it, that they had so
great daring, for before that time they could not endure to
heare of St. Edwards lawes, but resisted the confirmation in
all they could, although by those lawes the Subjects of this
Iland were no lesse free then any of all Europe.

I v s t. My good Lord, the reason is manifest; for while
the *Normans* & other of the *French* that followed the Con-
querour, made spoile of the *English*, they would not endure
that any thing but the will of the Conquerour should stand
for Law: but after a dissent or two when themselues were
become *English*, & found themselves beaten with their own
sods, they then began to favour the difference betweene sub-
jection and slavery, & insist vpon the law, *Mens & Tham*: &
to be able to say vnto themselues, *hoc feci & vivere*: yea that
the conquering *English* in *Ireland* did the like, your Lord-
ship knowes it better then I.

C o v n s. I think you gueſſe aright: And to the end the
subject may know that being a faithfull servant to his Prince
he might enjoy his owne life, and paying to his Prince what
belongs to a Sovereigne, the remainder was his own to dis-
pose. *Henry the first* to content his *Vallalls*, gave them the
great Charter, and the *Charter of For-efſts*.

I v s t. What reaſon then had *K. John* to deny the cōfirmatiōt
C o v n s. He did not, but he on the contrary confirmed both
the *Charters* with additions, and required the Pope whom he
had made his ſuperior to ſtrengthen him with a *goldē bull*.

I v s t. But your honour knowes, that it was not long
after, that he repented himſelfe.

C o v n s. It is true, & he had reaſon ſo to do, for the Barons

refused to follow him into *France*, as they ought to have done, and to say true, this great Charter upon which you insist so much, was not originally granted Regally and freely: for *Henry the first* did sharpe the King dome, and therefore the better to assure himselfe against *Robert* his eldest brother, he flattered his Nobility and people with those Charters. Yea King *John* that confirmed them had the like respect: for *Arthur Duke of Britaine*, was the vndoubted heire of the Crowne, vpon whom *John* usurped. And sa to conclude, these Charters had their originall from Kings *de facto*, but not *de iure*.

I v s t. But King *John* confirmed the Charter after the death of his nephew *Arthur*, when he was then *Rex de iure* also.

Covns. It is true, for he durst doe no other, standing accursed, whereby few or none obeyed him, for his Nobility refused to follow him into *Scotland*: and he had so grieved the people by pulling downe all the Parke pales before harwest, to the end his Deere might spoile the Corne; And by seizing the temporalities of so many Bishoprickes into his hands, and chiefly for practising the death of the Duke of *Brittaine* his Nephew, as also having lost *Normandy* to the French, so as the hearts of all men were turned from him.

I v s t. Nay by your favour my Lord, King *John* restored K. *Edwards* Lawes after his absolution, and wrote his letters in the 15th of his Reigne to all Sheriffes, countermanding all former oppressing, yea this he did notwithstanding the Lords refused to follow him into *France*.

Covns. Pardon me, he did not restie King *Edwards* Lawes then, nor yet confirmed the Charters, but he promised vpon his absolution to doe both: but after his returne out of *France*, in his 16. yeare he denied it, because without such a promise he had not obtained restitution, his promise being constrained, and not voluntary.

I v s t. But what thinkes you? was he not bound in honour to performe it?

Covns.

C O V N S. Certainly no, for it was determined the case of King *Francis* the first of *France*, that all promises by him made, whilst he was in the hands of *Charles* the fifth his enemy, were void, by reason the Judge of honour, which tells vs he durst doe no other.

I Y S T. But King *John* was not in prison.

C O V N S. Yet for all that, restraint is imprisonment, yes, scarce it selfe is imprisonment, and the King was subject to both: I know there is nothing more kingly in a King, then the performance of his word; but yet of a word freely and voluntarily given. Neither was the Charter of *Henry* the first so published, that all men might plead it for their advantage; but a Charter was left (*in deposito*.) in the hands of the Archbishop of *Canterbury* for the time, and so to his successors. *Stephen Langton*, who was ever a Traytor to the King, produced this Charter, and shewed it to the Barons, thereby encouraging them to make warre against the King. Neither was it the old Charter simply the Barons sought to haue confirmed, but they presented vnto the King other articles and orders, tending to the alteration of the whole Commonwealth: which when the King refused to signe, the Barons presently put themselves into the field, and in rebellious and outrageous fashion sent the King word, except he confirmed them, they would not desist from making warre against him till he had satisfied them therein. And in conclusion, the King being betrayed of all his Nobility, in effect was forced to grant the Charter of *Magna Charta*, and *Carta de Foresta*, at such time as he was invironed with an Army in the meadowes of *Staines*, which Charters being procured by force, Pope *Innocent* aftervward disavoywed, and threatened to curse the Barons, if they submitted not themselves as they ought to their Soveraigne Lord, which when the Lords refused to obey, the King enterteined an army of strangers for his owne defence, wherewith having mastered & beaten the Barons, they called in *Louis* of *France*: (a most vnnaturall resolution) to be their King. Neither was *Magna Charta* a law in the 19. of *Henry* the 3. but simply a Charter which he

Confirmed in the 22. of his reigne, & made it a law in the 25. according *Lantons* opinion. Thus much for the beginning of the *greas Charter*, which had first an obscure birth from usurpation, and was secondly fostered & shewed to the world by rebellion.

Ivst. I cannot deny but that all your Lordship hath said is true; but seeing the *Charters* were afterwards so many times confirmed by parliament & made lawes, & that there is nothing in them vnequall or prejudicial to the King: doth not your Honour thinke it reason they should be obserued?

Covn. Yes, & obserued they are in all that the state of a King can permit, for no man is destroyed but by the lawes of the land, no man disseized of his inheritance but by the lawes of the land, imprisoned they are by the prerogative where the King hath cause to suspect their loyaltie: for were it otherwise, the King should never come to the knowledge of any conspiracy or treason against his Person or state, and being imprisoned, yet doth not any man suffer death but by the law of the land.

Ivst. But may it please your Lordship, were not *Cornwallis, Sharpe, & Hoskyns* imprisoned being no suspition of treason there?

Covns. They were, but it cost them nothing.

Ivst. And what got the King by it? for in the conclusion (besides the murmur of the people) *Cornwallis, Sharpe, & Hoskyns* having greatly overthornt themselves, and repented them, a fine of 5 or 600 was laid on his Maiestie for their offences, for so much their diet cost his Maiestie.

Covns. I know who gaue the aduise, sure I am that it was none of mine: But thus I say, if you consult your memory, you shall finde that in those kings which did in their own times confirme the *Magna Charta*, did not onely imprison, but they caused of their Nobility and othersto bee slaine without hearing or tryall.

Ivst. My good Lord, if you will give me leauue to speake freely, I say, that they are not well advised that perswade the King not to admix the *Magna Charta* with the former re-

servations. For as the King can never lose a farthing by it, I shall proue anon: So except *England* were as *Naples* is, and kepe by Garrisons of another Nation, it is impossible for a King of *England* to greateren and enrich himself by any way so assuredly, as by the loue of his people: For by one rebellion on the King hath more losse then by a hundred y'cares obseruance of *Magna Charta*: For therein haue our Kings beene forced to compound with Roagues and Rebells, and to pardon them, yea the state of the king, the Monarchy, the Nobility haue beene endangered by them.

C o v n s. Well Sir, let that passe, why should not our kings raise mony as the kings of *France* doe by their letters and Edicts only? for since the time of *Leuise* the 11, of whom it is said, that he freed the *French* kings of their Wardship, the *French* kings haue seldom assembled the States for any contribution.

I v s t. I will tell you why; the strength of *England* doth consist of the People and Yeomanry, the Peasants of *France* haue no courage nor armes: In *France* every Village and Burrough hath a Castle, which the *French* call *Chasteau Vilain*, every good City hath a good Cittadell, the king hath the Regiments of his guards and his men at armes alwayes in pay; yea the Nobility of *France* in whom the strength of *France* consists, doe alwayes affit their king in those leavies because themselves being free, they make the same leavies vpon their Tenants. But my Lord, if you marke it, *France* was never free in effect from civill wares, and lately it was endangered either to be conquered by the *Spaniard*, or to be cantonized by the rebellious *French* themselves, since that freedome of Wardship. But my good Lord, to leaue this digression, that wherin I would willingly satisfie your Lordship, is, that the Kings of *England* have never received losse by Parliament, or prejudice.

C o v n s. No Sir, you shall find that the subiects in Parliament haue decreed great shinges to the disadvantage and dishonour of our kings in former times.

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I v s r. My good Lord, to avoid confusion; I will make
a short repetition of them all, and then your Lordship may
obje^t where you see cause: And I doubt not but to give
your Lordship satisfaction. In the sixt yeare of Henry the 3.
there was no dispute, the house gaue the King two shillings
of every plough land within *England*, and in the end of the
same yeare he had *escunge* paid him (to wit) for every
Knights fee two markes in silver. In the fift yeare of that
King, the Lords demanded the confirmation of the Great
Charter which the Kings Councell for that time present ex-
cused, alledging that those priviledges, were extorted by
force during the Kings Minority, and yet the King was
pleased to send forth his writ to the Sherifffes of euerie Coun-
try, requiring them to certifie what those liberties were, and
how vsed, and in exchange of the Lords demand, because
they pressed him so violently: the king required all the castles
& places which the Lords held of his, & had held in the tyme
of his Father, with those Manors and Lordships which they
had heretofore wrested from the Crowne, which at that
time (the King being provided of forces) they durst not deny.
In the 14. yeare he had the 15. penny of all goods given him
upon condition to confirme the great Charter: For by reason
of the wars in *France*, and the losse of *Rochell*, he was then
enforced to cōsent to the Lords in all they demanded. In the
10. of his reigne hee fined the City of *London* at 50000.
markes; because they had receivēd *Lewis* of *France*. In the
11. yeare in the Parliament at *Oxford*, he revoked the great
Charter being granted when he was vnder age, & governed
by the Earle of *Pembroke*, and the Bishop of *Winchiffier*. In
this 11. yeare the Earles of *Cornewall* and *Chester*, Marshall,
Edward Earle of *Pembroke*, *Gilbert* Earle of *Gloucester*,
Warren, *Hereford*, *Ferrars*, & *Warwicke*, and others rebelled a-
gainst the King, and constrained him to yeeld vnto them in
what they demanded for their particular interest, which
rebellion being appeased, he sailed into *France*, and in his 15.
yeare he had a 15. of the temporality, & a diffire & a halfe of
the Spirituality, and withall escunge of every Knights fee.

COVNS.

Covns. But what say you to the Parliament of *Westmynster* in the sixteenth yeere of the King, where notwithstanding the warres of *France*, and his great charge in repulsing the *Welsh rebels*, he was flatly deniede the Subsydy demanded.

Iv s^r. I confess, my Lord, that the house excused themselves by reason of their pouertie, and the Lords taking of *Wales*; in the next yere, it was manifest that the house was practised against the King. And was it not so, my good Lord thinke you in our two last Parliaments, for in the first euen those whom his Maestie trusted most, betrayed him in the *union*, and in the second there were other of the great ones ran counter. But your Lordship spake of dangers of Parliaments, in this, my Lord, therewas a deniall, but there was no danger at all: But to returne where I left, what got the Lords by practizing the house at that time? I say that those that brake this staffe vpon the King, were ouer turned with the counterbuffe, for hee refused all those lands which hee had giuen in his minoritie, hee called all his exacting officers to accompt, he found them all faulty, hee examined the corruption of other Magistrates, and from all these hee drew sufficient money to satisfie his present necessitie, whereby hee not onely spared his people, but highly contented them with an act of *Scigreat Justice*: Yea *Hubert Bare of Kent*, the chiefe Justice whom hee had most trusted, and most advanced, was found as false to the King, as any one of the rest. And for conclusion in the end of that yere, at the assembly of the States at *Lambeth*, the King had the fortieth part of every mans goods given him freely towards his debts, for the people, who the same yere had refused to give the King any thing, when they saw hee had squeezed those spunges of the Common-wealth, they willingly yeelded to give him satisfaction.

Covns. But I pray you, what became of this *Hubers*, whom the King had fauoured aboue all men, betraying his Maestie as he did.

Iv s^r. There was many that perswaded the King to put him to death, but he could not bee drawne to consent, but the *Reuide*

King seized vpon his estate which was great ; yet in the end hee left him a sufficient portion, and gave him his life because hee had done great seruice in former times : For his Maicstie, though hee tooke aduantage of his vice, yet hee forgot not to haue consideration of his vertue. And vpon this occasion it was that the King, betrayed by those whom hee most trusted, entertained strangers, and gaue them their Offices, and the charge of his Castles and strong places in England.

Covns. But the drawing in of those Strangers was the cause that *Marshall Earle of Pembroke* mooued warre against the King.

Ivst. It is true, my good Lord, but hee was soone after slaine in *Ireland*, and his whole Masculine race, ten yeeres extinguished, though there were fve Sonnes of them, and *Marshall* being dead, who was the moouer, and ring-leader of that warre, the King pardoned the rest of the Lords that had assissted *Marshall*.

Covns. What reason had the King so to doe ?

Ivst. Because hee was so perswaded, that they loued his Person, and onely hated those corrupt Counsellours, that then bare the greatest sway vnder him, as also because they were the best men of warre hee had, whom if he destroyed, hauing warre with the *French*, he had wanted Commanders to haue serued him.

Covns. But what reason had the Lords to take arms ?

Ivst. Because the King entertained the *Poitouins*, were not they the Kings vassals also ? Should the *Spaniards* rebell, because the *Spanish* King trusts to the *Neopolitan*s, *Portugues*, *Milanous*, and other Nations his vassals, seeing those that are gouerned by the Vice-royes and Deputies, are in policy to bee well entertained, and so to be employed, who would otherwise devise how to free themselves ; whereas, being trusted and employed by their Prince, they entertained themselves with the hopes that others the Kings vassals doe : if the King had called in the *Spaniards*, or other Nations, not his Subjects

Subiects, the Nobilitie of *England* had had reason of griefe: But what people did ever serue the King of *England* more faithfully then the *Gascoynes* did euuen to the last of the Conquest of that Duchy.

I v s t. Your Lordship sayes well, and I am of that opinion that if it had pleased the Queene of *England* to haue drawne some of the chiefe of the *Irish* Nobilitie into *England*, and by exchange to haue made them good freeholders in *England*, she had sauied aboue two Millions of pounds which were consumed in times of those Rebellions. For what held the great *Gafcoigne* firme to the Crowne of *England* (of whom the Duke of *Efferson* married the Inheritrix) but his Earldome of *Kendall* in *England*, whereof the Duke of *Efferson* (irright of his wife) beares the title to this day. And to the same end I take it, hath *James* our Soueraigne Lord giuen lands to diuers of the Nobilitie of *Scotland*. And if I were worthy to aduise your Lordship, I should thinke that your Lordship should doe the King great seruice to put him in minde to prohibite all the *Scottish* Nation to alienate and sell away their inheritance here; for they selling, they not onely give cause to the *English* to complaine that the treasure of *England* is transported into *Scotland*, but his Maiestie is thereby also frustrated of making both Nations one, and of assuring the seruice and obedience of the *Scots* in future.

Cov ns. You say well, for though those of *Scotland* that are aduanced, and enriched by the Kings Maiesties will, no doubt serue him faithfully, yet how their Heires and successours, hauing no inheritance to loose in *England* may bee seduced is vncertaine. But let vs goe on with our Parliament. And what say you to the deniall in the sixe and twentieth yeere of his reigne, euuen when the King was invited to come into *France* by the Earle of *March*, who had married his Mother, and who promised to assist the King in the Conquest of many places lost.

Iv s. It is true, my good Lord, that a subsidy was then denied, and the reasons are deliuered in *English* histories, & indeed the King not long before had spent much treasure in ayding

the Duke of Britaine to no purpose, for hee drew over the King but to draw on good conditions for himselfe, as the Earle of March his father in law now did : As the English Barons did invite *Lewes of France* not long before, as in elder times, all the Kings and States had done, and in late yeeres the Leaguers of *France* entertained the *Spaniards*, and the *French Protestants*, and Netherlands, *Queene Elizabeth*, not with any purpose to greateren those that aide them, but to purchase to themselves an aduantageous Peace. But what say the Histories to this deniall ? they say with a world of payments there mentioned, that the King had drawne the Nobilitie drie. And besides, that whereas not long before great summes of money were giuen, and the same appointed to bee kept in foure Castles, and not to bee expended but by the aduise of the Peeres ; it was beleueed that the same treasure was yet vnspent.

Covns. Good Sir, you haue said enough, iudge you whether it were not a dishonour to the King to bee so tyed, as not to expend his Treasure, but by other mens aduise as it were by their licence.

I y. & T. Surely my Lord, the King was well aduised to take the money vpon any condition, and they were fooles that propounded the restraint, for it doeth not appearre that the King tooke any great heed to those ouerseers. *Kings are bound by their Pietie, and by no other obligation.* In *Queene Maries* time, when it was thought that she was with child, it was propounded in Parliament, that the rule of the Realme shoulde bee giuen to King *Philip* during the minority of the hoped Prince or Princesse, & the King offered his assurance in great summes of money to relinquish the gouernment at such time as the Prince or Princesse shoulde be of age : At which motion when all else were silent in the house, *Lord Daeres* (who was none of the wiest) asked who shall sue the Kings bondes, which ended the dispute, for what bond is betweene a King and his vassals, then the bond of the Kings Faith.) But my good Lord, the King notwithstanding the deniall at that time was with gifts from particular persons, and otherwise supplyed

ed for proceeding of his journey for that time into France, he tooke with him thirtie Caskets filled with siluer and coyne, which was a great Treasure in those dayes. And lastly, notwithstanding the first denyall in the Kings absent he had Escuage granted him (to wit) 20 s. of every Knights Fee.

Covns. What say you then to the 28. yeere of that King, in which when the King demanded relief, the States would not consent except the same former order had beeene taken for the appointing of foure Ouerseers for the treasure. As also that the Lord chiefe Justice and the Lord Chancellor should be chosen by the States with some Barons of the Exchequer and other officers.

I v s. My good Lord, admit the King had yeelded their demands, then whatsoeuer had beeene ordained by those Magistrates to the dislike of the Common-wealth, the people had beeene without remedy, whereas while the King made them, they had their Appeal and other remedies. But those demands vanished, and in the end, the King had Escuage giuen him, without any of their conditions. It is an excellent vertue in a King to haue patience, and to giue way to the furie of mens passions. The Whale when he is stroken by the Fisher-man, growes into that furie, that he cannot be resisted, but will ouerthrow all the Ships and Barkes that come into his way, but when he hath tumbled a while, he is drawne to the shore with a twine thred.

Covns. What say you then to the Parliament in the nine and twentieth yeere of that King.

I v s t. I say that the Commons being vnable to pay, the King relieves himselfe vpon the Richer sort, and so it likewife happened in the 33. of the King, in which hee was relieved chiefly by the Citie of London. But my good Lord, in the Parliament in London, in the 38. yeere, hee had giuen him the tenth of all the Reuenues of the Church for three yeeres, and three markes of every knights fee throughout the kingdome, vpon his promise & oath vpon the obseruing of *magna Charta* but in the end of the same yeere, the king being then in France, he was denied the aides which hee required. What is this to

the danger of a Parliament? especially at this time they had reason to refuse, they had giuen so great a summe in the beginning of the same yeare. And again because it was knowne that the King had but pretended warre with the king of Castile with whom he had secretly contracted an alliance and concluded a mariage betweene his Sonne *Edward* and the Lady *Eleanor*. These false fires doe but fright Children and it commonly falleth out that when the cause giuen is knowne to be false, the necessity pretended is thought to bee fained, Royall dealing hath euermore Royall successe : and as the King was denied in the eight and thirtieth yeare, so was hee denied in the nine and thirtieth yeare, because the Nobility and the people saw it plainly that the King was abused by the Pope, who aswell in despite to *Manfred* bastard son to the Emperour *Fredericke* the second, as to cozen the King and to waſt him, would needs bestow on the King the kingdome of Sicilie, to recouer which, the King sent all the Treasure he could borrow or scrape to the Pope, and withall gaue him letters of credence, for to take vp what he could in Italy, the King binding hiſſelfe for the payment. Now my good Lord the wiſdome of Princes is ſeen in nothing more then in their enterprises. So how vnpleafing it was to the State of England to conuince the treasure of the Land, and in the conuict of Sicily, ſo farre of, and otherwise for that the English had lost Normandy vnder their noſes and ſo many goodly parts, of France of their owne proper inheritances : the reaon of the deniall is as well to be conſidered as the deniall.

CONS. Was not the King alſo denied a Subſidy in the fourty first of his raigne.

IV XT. Nomy Lord, for although the King required mony as before for the i[m]poſſible conuict of Sicily, yet the Houſe offered to giue 52000 markes, which whither hee refuſed or accepted is vncertaine, & whilst the King dreamed of Sicily, the Welsh invaded and ſpoyleſd the borders of England, for in the Parliament of London, when the King urged the houſe for the prosecuting the conuict of Sicily, the Lords utterly diſliking the attempt, urged the prosecuting of the Welshmen

Welshmen : which Parliament being proroged did again assemble at Oxford, & was called the madde Parliament, which was no other then an assenbly of rebels, for the Royall assent of the K. which gines life to all lawes, form'd by the three estates, was not a Royal assent, when both the K. & the Prince were constrained to yeeld to the Lords. A constrained consent is the consent of a Captiue and not of a K. and therefore there was nothing done there either legally or royally. For if it be not properly a Parliament where the subiect is not free, certaintly it can be none where the King is bound, for all Kingly rule was taken from the King, and twelve Peeres appointed, and as some writers haue it 24 Peeres, to gouerne the Realme, and therefore the assembly made by *Jack Strawe* and other rebels may aswel be called a Parliament as that of Oxford. *Principis nomen habere, non est esse Princeps*, for thereby was the King driuen not only to componud all quarrels with the French, but to haue meanes to be revenged on the rebell Lords, but he quitted his right to Normandy Aniou & Mayne.

Cov ns. But sir, what needed this extremity, seeing the Lords required but the confirmation of the former Charter, which was not prejudiciale to the King to graunt ?

Iv st. Yes my good Lord, but they insulted vpon the King, and would not suffer him to enter into his own Castles, they put downe the Purvey or of the meate for the mainetinance of his house, as if the King had beeene a bankrupt, and gaue order that without ready money he should not take vp a Checken. And though there is nothing against the Royalty of a King in these Charters (the Kings of England beeing Kings of freemen and not of slaves) yet it is so contrary to the nature of a King to be forced euento those things which may bee to his aduantage, as the King had some reason to seeke the dispensation of his Oath from the Pope, and to drawe in strangers for his owne defence : yea *In re salvo Corona nostra* is intended inclusively in all oathes and promises exacted from a Soueraigne.

Cov n. But you cānot be ignorant how dangerous a thing it is to call in other nations but for the spoile they make, as also

so, because they haue often held the possession of the best places with which they haue bene trusted.

IV st. It is true my good Lord, that there is nothing so daungerous for a King as to be constrained and held as prisoner to his vassals, for by that, Edward the second, and Richard the second lost their Kingdomes and their liues. And for calling in of strangers, was not King Edward the sixth driven to call in strangers against the rebels in Norfolke, Cornwall, Oxfordshire and elsewhere? Haue not the Kings of Scotland bene oftentimes constrained to entertaine strangers against the Kings of England, And the King of England at this time had he not bin diverse times assisted by the Kings of Scotland, had bin endangered to haue bin expelled for euer.

Cov ns. But yet you know those Kings were deposed by Parliament.

IV st. Yea my good Lord being prisoners, being out of possession, and being in their hands that were Princes of the blood and pretenders. It is an old Countrey prouerbe: (that *might aucomes right:*) a weake title that weares a strong sword, commonly preuailes against a strong title that weares but a weake one, otherwise Philip the second had neuer beene Duke of Portugall, nor Duke of Millaine, nor King of Naples and Scicilie. But good Lord Errors non sunt trahendi in exemplum: I speake of regall, peaceable, and lawfull Parliaments. The King at this time was but a King in name, for Gloucester, Leycester and Chichester made choise of other nine, to whom the rule of the Realme was committed; and the Prince was forced to purchase his libertie from the Earle of Leycester, by giuing for his ransome the County Pallatine of Chester. But my Lord let vs iudge of those occasions by their events, what became of this proud Earle? was he not soone after slaine in Evesham? was he not left naked in the field, and left a shamefull spectacle, his head being cut off from his shoulders, his priuy parts from his body, and laid on each side of his nose? And did not God extinguish his face, after which in a lawfull Parliament at Westminster (confirmed in a following Parliament of Westminster, were not all the Lords that followed

followed Leycester disinherited? And when that foole Gloucester, after the death of Leycester (whom hee had formerly forsaken) made himselfe the head of a second Rebellion, and called in strangers, for which not long before he had cried out against the K. was not he in the end, after that he had scene the slaughter of so many of the Barons, the spoile of their Castles, and Lordships constrained to submit himselfe, as all the surviuers did, of which they that sped best, paid their fines and ransomes, the King referring to his younger sonne, the Earledomes of Leycester and Derby.

Cov ns. Well sir, we haue disputed this King to his graue, though it be true, that he oultied all his enemies, and broughte them to confusione, yet those examples did not terrifie their successors, bat the Earle Marshall, and Hereford, threatened King Edward the first, with a new warre.

I v s t. They did so, but after the death of Hereford, the Earle Marshall repented himselfe, and to gaine the Kings fauour, he made him heire of all his Lände. But what is this to the Parliament? for there was never King of this land had more giuen him for the time of his Raigne, then Edward the sonne of Henry the third had.

Cov ns. How doeth it appear?

I v s t. In this sort my good Lord, in this Kings third yeere hee had giuen him the fifteenth part of all goods. In his sixt yeere a twentieth: in his twelft yeere a twentieth: in his fourteenth yeere he had Escuage (to wit) fourtie shillings of euery Knights Fee: in his eighteenth yeare hee had the eleuenth part of all mouable goods within the kingdome, in his nineteenth yeere the tenth part of all Church liuings in England, Scotland, and Ireland, for sixe yeeres, by agreement from the Pope, in his three and twentith yeere he raised a taxe vpon wooll and fels, & on a day caused al the religious houses to be searched, & al the treasure in the to be seized & brought to his coffers, excusing himselfe, by laying the fault vpon his treasurer, he had also in the end of the same yeere, of al goods, of all Burgesses, and of the Commons the 10. part: in the 25. yeere of the Parliament of S. Edmundsbury, he had an 18. part of the goods of the Burgesses, and of the people in generall,

the tenth part. Hee had also the same yeere by putting the Clergy out of his protection a fift part of their goods, and in the same yeere he set a great taxe vpon woolls, to wit, from halfe a marke to 40. shillings vpon every sacke, whercupon the Earle *Marshall*, and the Earle of *Hertford*: refusing to attend the King into *Flanders*, pretended the greeuances of the people. But in the end, the King hauing pardoned them, and confirmed the great Charter, hee had the ninth penny of all goods, from the Lords and Commons of the Clergy, in the South he had the tenth penny, and in the North the fift penny. In the two and thirtieth yeere, he had a Subsydy freely granted: in the three and thirtieth yeere, hee confirmed the great Charter of his owne Royall disposition, and the States to shew their thankfulnessse, gaue the King for one yeere, the fift part of all the reuenues of the land, & of the Citizens the sixt part of their goods. And the same yeere the King vsed the Inquisition, called *Traile Baston*. By which all Iustices and other Magistrate were grievously fined, that had vsed extortion, or bribery, or had otherwise misdeemeaned themselves to the great contention of the people. This Commission like-
wise did enquire of Intruders, Barrators and all other the like Vermine, whereby the King gathered a great masse of Treasure with a great deale of loue. Now for the whole raigne of this King, who gouerned *England* 35. yeeres, there was not any Parliament to his prejudice.

Covns. But there was taking of armes by *Marshall* and *Hertford*.

Ivst. That's true, but why was that? because the king, notwithstanding all that was giuen him by Parliament, did lay the greatest taxes that euer King did without their consent. But what lost the King by those Lords? one of them gaue the King all his lands, the other died in disgrace.

Covns. But what say you to the Parliament in *Edward* the seconds time, his successor: did not the house of Parliament banish *Pierce Ganefton* whom the King favoured?

Ivst. But what was this *Ganefton*, but an Esquire of *Gaf-*
esnes, formerly banished the Realme by King *Edward* the first,

for corrupting the Prince *Edward*, now raigning. And the whole Kingdome fearing, and detesting his venomous disposition, they besought his Maiestie to cast him off, whiche the King performed by an act of his owne, and not by a^t of Parliament, yea, *Gaunt* his father in law, the Earle of *Gloster*, was one of the chiefest of the Lords that procured it. And yet finding the Kings affection to follow him so strongly, they all consented to haue him recalled. After which, when his credit so increased, that hee despised and set at naught all the auncient Nobilitie, and not onely perswaded the King to all manner of outrages and riots, but withall transported what he listed of the Kings Treasure, and Jewels, the Lords vrged his banishment the second time, but neither was the first, nor second banishment forced by a^t of Parliament, but by the forceable Lords his enemies. Lastly, hee being recalled by the King, the Earle of *Lancaster* caused his head to be stricken off, when those of his party had taken him prisoner. By which presumptuous a^t, the Earle and the rest of his company committed Treason, and Murder, Treason, b^y raising an Army without warrant, Murder by taking away the life of the Kings Subiect. After which *Gauntlet* being dead, the *Spencers* got possession of the Kings fauour, though the yonger of them was placed about the King by the Lords themselves.

Cov N. What say you then to the Parliament held at London about the sixt yeere of that King?

Iv st. I say, that King was not bound to performe the acts of this Parliament, because the Lords being too strong for the King, inforsed his consent, for these be the words of our owne History. *They wrested too much beyond the bounds of reason.*

Cov NS. What say you to the Parliaments of the white wands in the three and thirtieth yeere of the King.

Iv st. I say the Lords that were so mooued, came with an Army, and by strong hand surprised the King, they constrained, (faith the story) the rest of the Lords, and compelled many of the Bishops to consent vnto them, yea, it faith further, that the King durst not but graue to all that they requir-

red, (to wit) for the banishment of the *Spencers*. Yea they were so insolent, that they refused to lodge the Queene comming through Kent in the Castle of *Lardes*, and sent her to prouide her lodging where she could get it so late in the night, for which notwithstanding, some that kept her out, were soone after taken and hang'd, and therefore your Lordship cannot call this a Parliament for the reasons before alleaged. But my Lord, what became of these Lawgivers to the King, even when they were greatest, a Knight of the North called *Andrew Herkley*, assembled the forces of the Countrey, overthrew them and their Army, slew the Earle of *Hereford* and other Barons, tooke their Generall *Thomas Earle of Lancaster*, the Kings cozen germane, at that time possessed of fife Earledomes, the Lords *Clifford*, *Talbot*, *Mowbray*, *Mauduit*, *Wilmington*, *Warren*, Lord *Darcy*, *Withers*, *Kneuill*, *Leybourne*, *Bekes*, *Louch*, *Fitzwilliams*, *Watervuld*, and diuerse other Barons, Knights, and Esquires, and soone after the Lord *Percy*, and the Lord *Warren* tooke the Lord *Baldsemere*, and the Lord *Audde*, the Lord *Teis*, *Gifford*, *Tucket*, and many others that fled from the bataile, the most of which past vnder the hands of the Hangman, for constraining the King vnder the colour and name of a Parliament. But this your good Lordship may judge, to whom, those tumultuous assemblies (which our Histories falsely call Parliaments haue beene dangerous, the Kings in the endeuer prevailed, and the Lords lost their liues, and estates. After which the *Spencers* in their banishment at *York*, in the fifteenth yere of the King, were restored to their honours and estates, and therein the King had a Subsedy given him, the sixt penny of goods throughout *England*, *Ireland*, and *Wales*.

Cov n. Yet you see the *Spencers* were soone after dissolved.

I v s t. It is true my Lord, but that is nothing to our subiect of Parliament, they may thanke their owne insolencie, for they branded, and despised the Queene, whom they ought to haue honored as the Kings wife; they were also exceeding greedy, & built themselves vpon other mens ruines, they were ambitious and exceeding malitious, wherenpon that came,

that when Chamberlaine *Spencer* was hang'd in Hereford, a part of the fourte and twentie Psalms was written over his head: *Quid gloriari in malitia potens?*

Covns. Well sir, you haue all this while excused your selfe vpon the strength and rebellions of the Lords, but what say you now to King Edward the third, in whose time (and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that euer King received or endured, therfore I conclude where I began, that these Parliaments are dangerous for a King.

I V S T. To answere your Lordship in order, may it please you first to call to minde, what was giuen this great King by his Subiects before the dispute betwixt him and the house happened, which was in his latter dayes, from his first yeere to his fift yeere, there was nothing giuen the King by his subiects: In the eight yeere at the Parliament at London a tenth and a fifteenth was granted: in this tenth yeere hee ceased vpon the *Italiens* goods here in *England* to his owne vse, with all the goods of the *Monkes Cluniackes* and others, of the order of the *Cisterciens*. In the eleventh yeere, hee had given him by Parliament a notable reliefe, the one halfe of the woolls throughout *England*, and of the Cleargy all their woolls, after which, in the end of the yeere, hee had granted in this Parliament at *Westminster*, fourtie shillings vpon euery sacke of wooll, and for euery thirty wooll-fels forty shillings, for euery last of Leatherne, as much, and for all other Merchandizes after the same rate. The King promising that this yeeres gathering ended, he would thence foorth content himselfe with the old custome, hee had ouer and aboue this great aide, the eight part of all goods of all Citizens and Burgesses, and of others as of forreigne Marchants, and such as liued not of the gaine of breeding of sheepe and cattell the fifteenth of their goods: Nay my Lord, this was not all: though more then euer was granted to any King, for the same Parliament bestowed on the King the ninth sheafe of all the Corne within the Land, the ninth Fleece, and the ninth Lambe for two yeeres

yeeres next following : now what thinkes your Lordship of this Parliament.

COVNS. I say they were honest men.

IVST. And I say, the people are as louing to their King now, as euer they were, if they bee honestly, and wisely dealt withall, and so his Maiestie hath found them in his last two Parliaments, if his Maiestie had not beeene betrayed by those whom he most trusted.

COVNS. But I pray you sir, who shall a King trust, if hee may not trust those whom he hath so greatly aduanced?

IVST. I will tell your Lordship whom the King may trust.

COVNS. Who are they?

IVST. His owne reason, and his owne excellent iudgement, which haue not deceived him in any thing, wherein his Maiestie hath beeene pleased to exercise them, Take councell of thine heart (saith the booke of Wisdome) for there is none more faischfull unto thee then it.

COVNS. It is true, but his Maiestie found that those wanted no judgement whom he trusted, and how could his Maiestie discerne of their honesties?

IVST. Will you pardon mee if I speake freely, for if I speake out of *lone*, which (as Solomon saith) covereth all trespasses. The træth is, that his Maiestie would never beleue any man that spake against them, and they knew it well enough, which gaue them boldnesse to doe what they did.

COVNS. What was that?

IVST. Euen, my good Lord, to ruine the Kings estate so farre as the State of so great a King may be ruin'd by men ambitious and greedy without proportion. It had beeene a braue increase of revenue, my Lord, to haue raised 5000. l. land of the Kings to 20000. l. revenue, and to raise the revenue of Wards to 20000. l. more, 40000 l. added to the rest of his Maiesties estate, had so enabled his Maiestie, as he could never haue wanted. And my good Lord, it had beeene an honest seruice to the King, to haue added 7000. l. lands of the Lord Cobhams, woods, and goods, being worth 30000. l. more.

COVNS.

COVNS. I know not the reason why it was not done.

I V S T. Neither doeth your Lordship, perchance know the reason why the 10000. l. offered by Swinnerston for a fine of the French wines, was by the then Lord Treasurer conferred on Devonshire and his *Mistress*.

COVNS. What occoued the Treasurer to reic^t and crosse that raiſing of the Kings lands?

I V S T. The reason, my good Lord, is manifest, for had the land beeene raiſed, then had the King knowne when hee had giuen or exchanged land, what he had given or exchanged.

COVNS. What hurt had that beeene to the Treasurer whose Office is truely to informe the King of the value of all that he giueth?

I V S T. So hee did when it did not concerne himselfe nor his particular, for hee could never admit any one peice of a good Manour to passe in my Lord *Aubignes* booke of 1000 l. land, till hee himselfe had bought, and then all the remaining flowers of the Crowne were culled out. Now had the Treasurer suffered the Kings lands to haue beeene raiſed, how could his Lordship haue made choice of the old rents, as well in that booke of my Lord *Aubigne*, as in exchange of *Theobalds*, for which he tooke *Hatfield* in it, which the greatest Subiect, or Fauori^ce Queene *Elizabeth* had, never durst haue named vnto her by way of gift or exchange. Nay my Lord, so many other goodly Manours haue passed from his Maiestie, as the very heart of the Kingdome mourneth to remember it, and the eyes of the Kingdome ſhed teares continually at the beholding it: yea the ſoule of the Kingdome is heavy vnto death v i h the conſideration therof, that ſo Magnanimous a Prince, ſhould ſuffer himſelfe to be ſo abuſed.

COVNS. But ſir, you know that *Cobham* ſands were en-tailed vpon his Coſens.

I V S T. Yea, my Lord, but during the liues and races of *George Brooke* his children, it had beeene the Kings, that is to ſay, for euer in effect, but to wrek the King, and to draw the inheritance vpon himſelfe, hee perwadēd his Maiestie to re-

veals of his ſtained and vniſtinted excommunicatiōn. Linquish

linquished his interest for a peticie summe of money ; and that there might be no counterworking, he sent *Brooke* 6000. l. to make friends, whereof himselfe had 2000. l. backe againe, *Buckhurft*, and *Barwick* had the other 4000. l. and the Treasurer and his heires the masse of land for euer.

Covns. What then I pray you, came to the King by this great confiscation.

Ivst. My Lord, the Kings Maiestie by all thosse goodly possessions, woods, & goods, loogeth 500. l. by the yere which he giueth in pension to *Cobham*, to maintaine him in prison.

Covns. Certainly, euен in conscience they shoule haue reserved so much of the land in the Crowne, as to haue given *Cobham* meate and apparell, and not made themselues so great gainers, and the King 500. l. (*per annum*) looser by the bargaine, but it's past : *Consilium non est eorum qua fieri negantur.*

Ivst. Take the rest of the sentence, my Lord : *Sed consilium versatur in ijs qua sunt in nostra potestate.* It is yet, my good Lord, in *potestate Regis*, to right himselfe. But this is not all my Lord : And I feare mee, knowing your Lordships loue to the King, it wold put you into a feauer to heare all : I will therefore goe on with my Parliaments.

Covns. I pray doe so, and amongst the rest, I pray you what say you to the Parliament holden at *London*, in the fifteenth yeere of King *Edward* the third ?

Ivst. I say there was nothing concluded therein to the prejudice of the King. It is true, that a little before the sittig of the house, the King displaced his Chancellour, and his Treasurers, and most of all his Judges, and Officers of the Exchequer, and committed many of them to prison, because they did not supply him with Money, being beyond the seas, for the rest, the States assembled, besought the King that the Lawes of the two Charters might bee obserued, and that the great Officers of the Crowne might bee chosen by Parliament.

Covns. But what successe had these Petitions.

Ivst. The Charters were obserued, as before, and so they will

wil-be euer, & the other petition was reieected, the King being pleas'd notwithstanding, that the great Officers should take an oath in Parliament to doe Iustice. Now for the Parliament of *Westminster*, in the 17th. yeare of the King, the King had three markes and a halfe for euery sacke of wooll transported; and in his 18. he had a 10th. of the Clergy, and a 15th. of the Laity for one yeare. His Maiesly forbare after this to charge his subiects with any more payments, vntill the 29. of his reigne, when there was given the King by Parliament 50. for euery sacke of wooll transported for sixe yeares, by which grant, the King received a thousand marks a day, a greater matter then a thousand pounds in these dayes; & a 1000l. a day amounts to 36500l. a yare, which was one of the greatest presents that euer was given to a King of this land. For besides the cheapnes of all things in that age, the Kings souldiers had but 3^d. a day wages, a man at armes 6^d. a Knight but 2^f. In the Parliament at *Westminster*, in the 33. yeare he had 26^f 8^d. for euery sacke of wooll transported, & in the 42. yeare 3. dimes & 3. fifteens. In his 45. yeare he had 50000l. of the Laity, and because the Spirituallty disputed it, and did not pay so much, the King chang'd his Chancellour, Treasurer, and Priuy Seale, being Bishops, and placed Lay men in their roome.

Covns. It seemes that in those dayes the Kings were no longer in loue with their great Chancellors, then when they deserued well of them.

Ivst. No my Lord, they were not, and that wasthe reason they were well serued, & it was the custome then, & in many ages after, to change the Treasurer and the Chancellor every 3. yeares, & withall to heare all mens complaints against thē.

Covns. But by this often change, the saying is verifi-ed, that there is no inheritance in the fauour of Kings. *Hee that keeperh the figge tree / alith Salomon shall eate the fruite thereof;* for reason it is that the seruant live by the Master.

Ivst. My Lord, you say well in both, but had the subiect an inheritance in the Princes fauor, where the Prince hath no inheritance in the subiects fidelitie, then were kings in more

vnhappy estate then common persons. For the rest; *Salomon* meaneth not, that he that keepeth the figge tree should surfe, though he meant he shoulde eate, hee meant not he shoulde breake the branches in gathering the figs, or eate the ripe, & leauethe rotten for the owner of the tree; for what saith hee in the following chapter, he saith that *he that maketh haſte to be rich, cannot be innocent.* And before that, he saith, that *the end of an inheritance haſtily gotten, cannot be bleſſed.* Your Lordship hath heard of few or none great with Kings, that haue not vsed their power to oppreſſe, that haue not grown insolent & hatefull to the people; yea, insolent towards those Princes that advanced them.

Covns. Yet you ſee that Princes can change their fancies.

Ivſt. Yea my Lord, when favorites change their faith, when they forget that how familiar ſouuer Kings make theſelues with their Vassals, yet they are kings: *He that provoketh a King to anger (ſaith Salomon) ſinneth againſt his owne ſoule.* And he further ſaith, that *pride goeth before deſtruction, and a high minde before a fall.* I ſay therefore, that in diſchar- ging thoſe Luciferis, how deare ſouuer they haue bee[n]e, Kings make the world know that they haue more of Judge- ment then of paſſion, yea they thereby offer a ſatisfactory ſacrifice to all their people, too great benefits of ſubjects to their King, where the minde is blowne vp with their owne deseruings, and too great benefits of Kings conſer'd vpon their ſubjects, where the minde is not qualified with a great deale of moideſty, are equally dangerous. Of this later and inſolenter, had King *Richard* the ſecond deliuere[n]d vp to In- ſtice but three or four[e], he had ſtill held the loue of the peo- ple, and thereby his life and estate.

Covns. Well, I pray you goe on with your Parlia- ments.

Ivſt. The life of this great King *Edward* drawes to an end, ſo doe the Parliaments of this time, where in 50 yeares raigne, he neuer receiu[ed] any affront, for in his 49th yeare he had a diſme and a fifteene granted him freely.

Covns.

Cov'ns. But Sir it is an old saying, that all is well that ends well, Judge you whether that in his 50th yeare in Parliament at Westmister he received not an affront, when the house urged the King to remoue & discharge frō his presence the Duke of Lancaster, the Lord Latimer his Chamberlaine, Sir Richard Sturry, and others whom the King sauoured and trusted. Nay, they pressed the King to thrust a certaine Lady out of the Court, which at that time bare the greatest sway therein.

IVST. I will with patience answere your Lordship to the full, and first your Lordship may remember by that which I even now said, that never King had so many gifts as this King had from his subiects, and it hath never grieved the subiects of *England* to giue to their King, but when they knew there was a devouring Lady; that had her share in all things that passed, and the Duke of Lancaster was as scrapping as shee, that the Chancellour did eat vp the people as fast as either of them both. It grieved the subiects to feede these Cormorants. But my Lord there are two things by which the Kings of *England* have been prest, (to wit) by their subiects, and by their owne necessities. The Lords in former times were farre stronger, more warlike, better tolled, living in their countries, then now they are. Your Lordship may remember in your reading, that there were many Earles could bring into the field a thousand Barbed horses, many a Baron 5 or 600 Barbed horses, whereas now very few of them can furnish twenty fit to serue the King. But to say the truth my Lord, the Justices of peace in *England*, haue oppoſ'd the iniusticers of warre in *England*, the kings writ runs ouer all, and the great Seale of *England*, with that of the next Constables will serue the turne to affront the greatest Lords in *England* that shall moue against the King. The force therefore by which our Kings in former times were troubled is vanish't away. But the necessities remaine. The people therefore in these later ages, are no leſle to bee pleased then the Peeres; for as the latter are become leſle, so by reason of the trayning through *England*, the Commons

haue all the weapons in their hands.

Covas. And was it not so euer?

Ivst. No my good Lord, for the Noblemen had in their Armories to furnish some of them a thousand, some two thousand, some three thousand men, whereas now there are not many that can arme fifty.

Covas. Can you blame them? But I will only answer for my selfe, betweene you and me be it spoken, I hold it not safe to maintaine so great an Armorie or Stable, it mighte cause metor any other Noble man to be suspected, as the preparing of some Innouation.

Covas. Why so my Lord, rather to bee commended as preparing against all danger of Innouation.

Covas. It should be so, but call your obftruacion to account, and you shall find it as I say, for (indeed) such a jealousy hath been held euer since the time of the Ciuell wars, ouer the Military greatness of our Nobles, as made them haue little will to bend their studys that waies: wherefore let every man prouide according as hee is rated in the Muster booke, you vnderstand me.

Ivst. Very well my Lord, as what might be replied in the perciuing so much; I haue euer (to deale plainly and freely with your Lordship) more feard at home popular violence, then all the torreine that can be made, for it can never bee in the power of any forreine Prince, without a Papisticall party, either to disorder or endanger his Majesties Estate.

Covas. By this it seemes, it is no leſſe dangerous for a king to leauē the power in the people, then in the Nobility.

Ivst. My good Lord, the wisedome of our owne age, is the foolishnes of another, the time present ought not to bee prefer'd to the Policy that was, but the Policy that was, to the time present. So that the power of the Nobility being now withered, and the power of the people in the flovre, the care to content them would not be neglected, the way to win them often practised, or at least to defend them from oppression. The motiue of all dangers that euer this Monarchy

chy hath vndergone; should bee carefully heeded, for this Maxime hath no posterne, *Potestas humana radicatur in voluntatis hominum.* And now my Lord, for King Edward it is true, though he were not subject to force, yet was hee subiect to necessity, which because it was violent, hee gaue way vnto it. *Potestas (saith Pythagoras) juxta necessitatem habitat.* And it is true, that at the request of the house he discharged and put from him thole before named, which donc, he had the greatest gift (but one) that euer he receiuied in all his daies (to wit) from every person, man and woman, aboue the age of fourteene yeares 4. of old mony, which made many Millions of Groats, worth 6*d*. of our mony. This he had in generall, besides he had of every benificed Priest, 1*d*⁴. And of the Nobility and Gentry, I know not how much, for it is not set downe. Now my good Lord, what lost the King by satisfying the desires of the Parliament house; for alsoone as hee had the money in purse, hee recalled the Lords, and restored them, and who durst call the King to accompt, when the Assembly were dissolued. *Where the word of a King is, there is power (saith Ecclesiasticus) Who shall say unto him, What doest thou?* saith the lame Author, for every purpose there is a time & judgement, the King gaue way to the time, & his judgmēt perswaded him to yeeld to necessity, *Consularius nemo metior est quam tempus.*

Covns. But yet you see the King was forc'd to yeeld to their demaunds.

Ivsr. Doth you Lordship remeber the saying of *Monsieur de Lange*, that he that hath the profit of the warre, hath also the honouer of the warre, whether it be by battaile or re-treat, the King you see had the profit of the Parliament, and therefore the honour also, what other end had the king then to supply his wants. A wise man hath evermore respect vnto his ends: and the king also knew that it was the loue that the people bare him, that they vrged the remouing of those Lords, there was no man among them that sought him selfe in that desire, but they all sought the King, as by the successe it appeared. My good Lord, hath it not been ordinary

in *England* and in *France* to yeeld to the demaunds of rebels, did not King *Richard* the second graunt pardon to the outrageous rogues and murtherers that followed *Jack Straw*, & *Wat Tyler*, after they had murthered his Chancellor, his Treasurer, Chiefe Justice, and others, brake open his Exchequer, and committed all manner of outrages and villanies, and why did he doe it, but to avoid a greater danger : I say the Kings haue then yeelded to those that hated them and their estates, (to wit) to pernicious rebels. And yet without dishonour shall it be called dishonour for the King to yeeld to honest desires of his subiects. No my Lord, those that tell the King those tales, feare their owne dishonour, and not the Kings, for the honour of the King is supreame, and being guarded by Justice and piety, it cannot receiue neither wound nor stayne.

Covns. But Sir, what cause haue any vnder our King to feare a Parliament?

Ivst. The same cause that the Earle of *Suffolke* had in *Richard* the seconds time, and the Treasurer *Farham*, With others ; for these great officers being generally hated for abusing both the King and the subiect, at the request of the States were discharged, and others put in their roomes.

Covns. And was not this a dishonour to the King?

Ivst. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the king was in his heart vitterly against it, yet had hee the profitse of his exchange ; for *Suffolk* was fined at 20000 markes, and 1000 llands.

Covns. Well Sir, we will speake of those that feare the Parliament some other time, but I pray you goe on with that, that happened in the troublesome raigne of *Richard* the second who succeeded, the Grandfather beeing dead.

Ivst. That king, my good Lord, was one of the most vnfortunate Princes that euer *England* had, hee was cruell, extreme prodigall, and wholly carried away with his two Minions, *Suffolk*, & the Duke of *Ireland*, by whose ill advice & others,

others, he was in danger to haue lost his estate ; which in the end / being led by men of the like temper, he miserably lost. But for his subsedies hee had giuen him in his first yeare being vnder age two tenths, and two fiftenees : In which Parliament, *Alice Peirce*, who was remoued in king *Edwards* time, with *Lancaster*, *Latimer*, and *Sturry*, were confiscate & banished. In his second yeare at the Parliament at *Glocester*, the King had a marke vpon every sacke of wooll, and 6^d the pound vpon wards. In his third yeare at the Parliament at *Winchester*, the Commons were spared, and a subsedy giuen by the better sort, the Dukes gaue 20 markes, and Earles & markes, Bishoppes and Abbots with myters sixe markes, e- uery marke 3^f 4^d, & euery Knight, Justice, Esquire, Shrieve, Parson, Vicar, & Chaplaine, paid proportionably according to their estates.

Covns. This me thinkes was no great matter.

Ivst. It is true my Lord, but a little mony went far in those dayes : I my selfe once moued it in Parliament in the time of Queene *Elizabeth*, who desired much to spare the Common people, and I did it by her Commandement ; but when we cast vp the subsedy Bookes, wee found the summe but smal, whē the 3^o men were left out. In the beginning of his fourth yeare, a tenth with a fiftene were granted vpon condition, that for one whole yeare no subsedies should bee demanded ; but this promise was as suddenly forgotten as made, for in the end of that yeare, the great subsedy of Poll mony was granted in the Parliament at *Northampton*.

Covns. Yea but there followed the terrible Rebellion of *Baker*, *Straw*, and others, *Leister*, *Whais*, and others.

Ivst. That was not the fault of the Parliament my Lord, it is manifest that the subsedy giuen was not the cause ; for it is plaine that the bondmen of *England* began it, because they were grieuously prest by their Lords in their tenuie of Villenage, as also for the hatred they bare to the Lawyers & Attorneyes: for the story of those times say, that they destroyed the houses and Mannors of men of law, and such Lawyers as they caught, slew them, and beheaded the Lord

chief

chiefe Justice, which commotion being once begun, the head
mony was by other Rebels pretended : A fire is often kind-
led with a little straw, which oftentimes takes hold of grea-
ter timber, & consumes the whole building : And that this
Rebellion was begun by the discontented slaves (whereof
there haue beene many in Eldertimes the like) is manifest by
the Charter of Manumission, which the King granted in *hac*
verba, Rich. *Desgrassis &c.* *Sciatis quod de gratia nostrâ spi-*
ritua manumissimus &c. to which seeing the King was con-
strained by force of armes, hee revoked the letters Patents,
and made them voide, the same revocation being strengthen-
ed by the Parliament ensuing. In which the King had giuen
him a subseyd vpon wools, called a *Malster*. In the same
fourth yeare was the Lord Treasurer discharged of his Of-
fice, and *Hales* Lord of S. Johns chosen in his place. In his fifth
yeare was the Treasurer againe changed, and the Staffe giuen
to *Segraue*, and the Lord Chancellour was also changed, and
the staffe giuen to the Lord *Scroope*: Which Lord *Scroope* was
againe in the beginning of his sixt yeare turned out, and the
King after that he had for a while kept the Seale in his owne
hand, gaue it to the Bishop of *London*, from whom it was
soone after taken & bestowedon the Earle of *Suffolke*, who
they say had abused the King, and converted the Kings Tre-
sure to his owne vlie. To this the King condiscended, and
though (faith *Walsingham*) he deserued to loose his life and
goods, yet he had the fauor to goe at liberty vpō good fure-
ties: & because the K. was but yong, & that the relieve gran-
ted was committed to the trust of the Earle of *Arundell* for
the furnishing of the Kings Navy against the French.

Covns. Yet you see it was a dishonor to the K. to haue
his beloued Chancellour remoued.
Ivs. Truly so, for the K. had both his fine 1000 lads, & a sub-
sidy to boot. And though for the present it pleased the K. to
tan y a man all the world hated (the K. palliō ouercōming
his Iudgmēt) yet it cannot be calld a dishonor, for the K. is to
believe the general couel of the kingdom, & to preferit be-
fore his affection, especially when *Suffolk* was proued to be
false even to the K. for were it otherwise loue and affection
might

might bee called a frenzie and a madnesse, for it is the nature of humane passions, that the loue bredde by fidelity, doth change it selfe into hatred, when the fidelity is first changed into falsehood.

Couss. But you see there were thirteens Lords choses in the Parliament, to haue the oversight of the government vnder the King.

IYST: No my Lord, it was to haue the oversight of those Officers, which (faith the story) had imbezled, lewdly wasted, and prodigally spent the Kings treasure, for to the Cōmission to those Lords, or to any six of them, joyn'd with the Kings Counsell, was one of the most roiall and most profitable that euer he did, if hee had bin constant to himself. But my good Lord, man is the cause of his own misery, for I will repeate the substance of the commission granted by the K., & confirmed by Parliament, which, whether it had bin profitable for the K. to haue prosecuted, your Lordship may judge. The preamble hath these words: *Whereas our Soveraigne Lord the King perceiveth by the grievous complaints of the Lords & Commons of this Realme, that the rents, profits, & revenues of this Realme, by the singular and insufficient Counsell and evill government, aswell of some his late great Officers, and others, &c. are so much withdrawn, wasted, eloyued, giuen, granted, alienated, destroyed, and evill dispended, that he is so much impoverished and void of treasure and goods, and the substance of the Crown so much diminished and destroyed, that his estate may not honorably be sustained as appertaineth. The K. of his free Wsh at the request of the Lords and Commons, hath ordayned Williā Archibishop of Canterbury and others with his Chancellour, Treasurer, keeper of his privy seale, to survey and examine as well the estate and governance of his house, &c. as of all the rents, and profits, and revenues that to him appertaineth, and to be due, or ought to appertaine and be due, &c. And all manner of gifts, graunts, alienations and confirmations made by him of lands, tenements, rents, &c. bargained and sold to the prejudice of him and his Crowne, &c. And of his jewels & goods which were his Grandfathers at the time of his death, &c. and where they be become.*

This

This is in effect the substance of the commission, which your Lordship may reade at large in the booke of Statutes, this commission being enacted in the tenth yere of the Kings reigne. Now if such a commission were in these daies granted to the faithfull men that haue no interest in the sales, gifts nor purchases, nor in the keeping of the jewelles at the Queens death, nor in the obtaining, graunts of the Kings best lands, I cannot say what may be recouered, & justly recovered; and what say your Lordship, was not this a noble acte for the King, if it had beene followed to effect?

Covns. I cannot tell whether it were or no, for it gaue power to the Commissioners to examine all the graunts.

Ivst. Why my Lord, doth the King graunt any thing, that shames at the examination? are not the Kings grants on record?

Covns. But by your leauie, it is some dishonour to a King, to haue his judgement called in question.

Ivst. That is true my Lord, but in this, or whensoeuer the like shall be graunted in the future, the Kings judgement is not examined, but their knavery that abused the K. Nay by your favour, the contrary is true, that when a King will suffer himselfe to bee eaten vp by a company of petty fellowes, by himselfe raised, therein both the judgement and courage is disputed. And if your Lordship will disdaine it at your own servants hands, much more ought the great heart of a King, to disdaine it. And surely my Lord, it is a greater treason (thoug it vndercreepeth the law) to teare from the Crowne the ornaments thereof. And it is an infallible maxime, that hee that loues not his Maiesties estate, loues not his person.

Covns. How came it then, that the acte was not executed?

Ivst. Because these, against whom it was graunted, perswaded the King to the contrary: As the Duke of Ireland, Suffolke, the chief Justice Tresilian, & others, yea, that which was lawfully done by the King, and the great Councell of the kingdome, was by the mastery which Ireland, Suffolke,

And

and *Tresilian* had ouer the Kings affections) broken and dis-
avowed. Those that devised to relieu the King, not by any
private invention, but by generall Courcell, were by a pri-
uate and partiall assemblie adjudged traitors, and the most
honest judges of the land, enforced to subscribe to that judg-
ment. In so much that Judge *Beiknap* plainly told the Duke
of *Ireland*, and the Earle of *Suffolke*, when hee was constrain-
ed to set to his hand, plainly told these Lords, that he wanted
but a rope, that he might therewith receive a reward for
his subscription. And in this Councell of *Nottingham* was
hatched the ruine of those which governed the King, of the
Judges by them constrained, of the Lords that loued the
King, and sought a reformation, and of the King himselfe; for
though the King found by all the Shreeues of the shires, that
the people would not fight against the Lordes, whom they
thought to bee most faithfull vnto the King, when the Citi-
zens of *London* made the same answere, being at that time
able to arme 5000 men, & told the Major that they would
never fight against the Kings friends, and defenders of the
Realme, when the Lord *Ralph Basset*, who was neare the K.
told the King boldly that he would not adventure to haue
his head broken for the Duke of *Irelands* pleasure, when
the Lord of *London* told the Earle of *Suffolke* in the Kings
presence, that he was not worthy to liue, &c. yet would the
King in the defence of the destroyers of his estate, lay am-
bushes to intrap the Lordes, when they came vpon his faith,
yea when all was pacified, and that the King by his Procla-
mation had cleer'd the Lordes, and promised to produce *Ire-
land*, *Suffolke*, & the Archbishop of *Yorke*, *Tresilian* & *Bram-
ber*, to answer at the next Parliament, these men confess, that
they durst not appeare; and when *Suffolke* fled to *Callice*, and
the Duke of *Ireland* to *Chester*, the King caused an army to
be leavied in *Lancashire*, for the safe conduct of the Duke of
Ireland to his presence, when as the Duke being encounte-
red by the Lordes, ranne like a coward from his company, and
fled into *Holland*. After this was holden a Parliament, which
was called that wrought wonders. In the Eleventh yeare

of this King, wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chief Justice hang'd with many others, the rest of the Judges condemned, and banisht, and a 10th and a 15th given to the King.

Cov ns: But good Sir : the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man durst contradict them.

Iv s t : Certainly in raising an army, they committed treason, and though it did appeare, that they all loued the King, (for they did him no harme, hauing him in their power) yet our law doth construe all leavyng of war without the kings commission, and all force raised to be intended for the death & destruction of the K. not attending the sequell. And it is so judged vpon good reason, for every valawfull and ill action is suppos'd to be accompanied with an ill intent. And besides, those Lords vsed too great crueltie, in procuring the sentence of death against diuers of the Kings servants, who were bound to follow and obey their Master and Soueraigne Lord, in that he commanded.

Cov ns. It is true, and they were also greatly to blame to cause then so many seconds to be put to death, seeing the principalls, *Ireland*, *Suffolke*, and *Turke* had escaped them. And what reason had they to seeke to enforme the State by strong hand, was not the Kings estate as deere to himselfe, as to them ? He that maketh a King know his errour manerly and priuate, and giues him the best advice, hee is discharged before God and his owne conscience. The Lords might haue retired themselves, when they saw they could not preuaile, and haue left the King to his owne wayes, who had more to lose then they had.

Iv s t . My Lord, the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords that the K. being vnder yeres, and being wholly gouerned by their enimies, & the enimies of the kingdome, and because by those evill mens perswasion's it was aduised, how the Lords should haue bin murthered at a feast in *London*, they were excusable during the kings minority to stand ypo their guards against their

their particular enemies. But we will passe it ouer and go on with our parliaments that followed, whereof that of Cambridge in the Ks. 1st yeare was the next, therein the K. had giuen him a 10th & a 15th, after which being 20.yeres of age rechaged (faith H. Kingbton) his Treasurer, his Chancellor, the Justices of either bench, the Clerk of the priuy seale & others, & tooke the government into his owne hands. He also tooke the Admirals place frō the Earle of Arundell, and in his roome hee placed the Earle of Huntingdon in the yeare following, which was the 13th year of the K. in the Parliament at Westminister there was giuen to the King vpon every sacke of wooll 14^d and 6^d in the pound vpon other Merchandise,

Covns. But by your leauue, the King was restrained this parliament, that he might not dispose of, but a third part of the money gathered.

Ivs r: No my Lord, by your fauour. But true it is that part of this mony was by the Kings consent assignd towards the wars, but yet left in the Lord Treasurers hands, And my Lo: it would be a great ease, and a great sauing to his Maiestie our Lord and Master, if it pleased him to make his assaignations vpon some part of his reunewes, by which he might haue 1000^l vpon every 10000^l, & save himselfe a great deale of clamour. For seeing of necessitie the Naue must be maintained, and that those poore men aswell Carpenters as ship-keepers must be paid, it were better for his Maiestie to give an assaignation to the treasurer of his navy for the receiuing of so much as is called ordinary, then to discontent those poore men, who being made desperate beggars, may perchance be corrupted by them that lye in waite to destroy the Ks. estate. And if his Maiestie did the like in all other payments, especially where the necessity of such as are to receive, cannot possible give daies, his Maiestie might then in a little rowle behold his receipts and expences, hee might quiet his heart when all necessaries were provided for, and then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this haue bin done, if the 400000^l had been raised as aforesaid vpon the Kings lands, and wards, I say that his Maiesties house, his navy, his guards, his pensioners,

his munition, his Ambassadors and all else of ordinary charge
might have beene defrayed, and a great summe left for his
Maiesties casuall expences and rewardes, I will not say they
were not in loue with the Kings estate, but I say they were
vnsortunatly borne for the King that cost it.

Cov ns. Well Sir, I would it had been otherwise, But for
the assignments, there are among vs that will not willingly
indure it. Charity begins with it selfe, shall wee hinder our
selues of 50000^l per annum to sau the King 20? No Sir, what
will become of our New-yeares gifts, our presents and gra-
tuities? We can now say to those that haue warrants for mo-
ney, that there is not a penny in the Exchequer, but the king
gives it away vnto the Scottes faster then it comes in.

Iv.s.r. My Lord you say well, at least you say the trueth,
that such are some of our answeres, and hence comes that
generall murmur to all men that haue money to receive, I
say that there is not a penny giuen to that nation, be it for ser-
uice or otherwise but it is spread ouer all the kingdome: yea
they gather notes, and take copies of all the priuy seales
and warrants that his Maiestly hath giuen for the money for
the Scots, that they may shew them in Parliament. But of
his Maiesties gifts to the English, there is no biuile though
they may be tenne times as much as the Scots. And yet my
good Lord, howsoever they be thus answered that to them
sue for money out of the Exchequer, it is due to them for 10
or 12. or 20 in the hundred, abated according to their qual-
ties that shew, they are alwaies furnished. For conclusion, if it
would please God to put into the Kings heart to make their
assignments, it would sau him many a pound, and gaine him
many a prayer, and a great deale of loue, for it grieveth every
honest mans heart to see the abundance whicheuen the pert
officers in the Exchequer, and others gather both from the
king and subject, and to see a world of poore men unne af-
ter the king for their ordinary wages.

Cov ns. Well, well did you never heare this old tale,
that when there was a great contention about the weather
the Seamen complaining of contrary windes, when those of

the high Countreyes desired raine, and those of the valleyes sunshining dayes, *Jupiter* sent them word by *Mercury*, then, when they had all done, the weather shold be as it had bin, And it shall euer fall out so with them that complaine, the course of payments shal be as they haue beeene, what care we what petty fellowes say? or what care wee for your papers? haue not we the Kings eares, who dares contest with vs? though we cannot be revenged on such as you are for telling the truthe, yet vpon some other pretence, wee'll clap you vp, and you shall sue to vs ere you get out. Nay wee'll make you confess that you were deceiu'd in your projectes, and eate your owne words: learne this of me Sir, that as a littel good fortune is better then a great deale of vertue: so the least authority hath advantage ouer the greatest wit, was he not the wised man that said, *the bastiall was not to the strongest, nor yet bread for the wise, nor riches to men of understanding, nor fauour to men of knowledge*: but what time & chance came to them all.

Ivst. It is well for your Lordship that it is so. But Qu: Elizabeth would set the reason of a meane man, before the authority of the greatest Councillor she had, and by her patience therein she raised vpon the vsuall and ordinary customes of London without any new impositiō aboue 50 000l a yeare, for though the Treasurer *Burleigh*, and the Earle of Leicester, and Secretary *Walshingham*, all three pensioners to Customer *Smith*, did set themselues against a poore waiter of the Custome-house called *Carwarden*, and commaunded the gromes of the privy Chamber not to give him accesoſſe, yet the Queene sent for him, and gaue him countenance agaist them all. It would not serue the turne, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads, was a dishonour to her ſelfe, but ſhe had alwaies this anſwere, *That if any man complaineth iniſtly against a Magistrate, it were reason he ſhould be ſeverely punished, if iuſtly, ſhee was Queene of the small, as well as of the great, and would heare their complaints*. For my good Lord, a Prince that ſuffereth himſelfe

himselfe to be besieged, forsaketh one of the greatest regalities belonging to a Monarchie, to wit, the last appeale, or as the French call it, *le dernier resort*.

Covns. Well Sir, this from the matter, I pray you go on.

Ivst. Then my Lord, in the kings 15th yeare he had a tenth and a fifteeene graunted in Parliament of London. And that same yeare there was a great Councell called at Stamford to which diuerse men were sent for, of diuerse countys besides the Nobility, of whom the K. tooke advice whether he shoulde continue the warre, or make a finall end with the French.

Covns. What needed the king to take the advice of any but of his owne Councell in matter of peace or warre.

Ivst. Yea my Lord, for it is said in the Proverbes, *where are many counsellers, there is health*. And if the king had made the warre by a generall consent, the kingdome in generall were bound to maintaine the warre, and they could not then say when the King required ayde, that he vndertooke a needlesse warre.

Covns. You say well, but I pray you go on.

Ivst. After the subsedy in the 15.yeare, the King desired to borrow 10000^l of the Londoners, which they refused to lend.

Covns. And was not the King greatly troubled therewith.

Ivst: Yea but the King troubled the Londoners soone after, for the king tooke the aduantage of a ryot made vpon the Bishop of Salisbury his men sent for the Major, and other the ablest ciitizens, committed the Major to prison in the Castle of Windsor, and others to other castles, and made a Lord Warden of this ciitty, till in the end what with 10000^l ready money, and other rich presents, instead of lending 10200^l it cost them 20000^l. Betweehe the fifteenth yeare and twentith yeare, hee had two aydes given him in the Parliaments of Winchester and Westminister: and this later was given to furnish the Kings journey into Ireland, to establish that estate whiche was greatly shaken since the death of

the Kings Grandfather, who received thence yearly 30000^l
and during the Kings stay in Ireland he had a 10th and a 15th
graunted.

Covns. And good reason, for the King had in his army
4000.horse and 30000.foote.

Ivst. That by your fauour, was the Kings fawtyness: for great
armies do rather devour themselues then destroy enimies.
Such an army, (whereof the fourth part would haue conque-
red all Ireland) was in respect of Ireland such an army as
Xerxes led into Greece in this twentieth yeare, wherein hee
had a tenth of the Cleargy, was the great conspiracy of the
Kings vnkle, the Duke of Gloucester, and of Moubrey, Arun-
dell, Nottingham, and Warwick, the Archbishop of Canter-
bury and the Abbott of Westminister, and others who in
the 21th yere of the King were all redeemed by parliament,
and what thinks your Lordship, was not this assembly of the
3 states for the kings estate, wherein he so prevailed, that he
not onely overthrew those popular Lords, but besides (the
English Chronicle sayth, the king so wrought and brought
things about, that he obtained the power of both houses to
be graunted to certaine persons, to 15. Noblemen and Gen-
tlemen, or to seauen of them.

Covns. Sir, whether the king wrought well or ill I can-
not judge, but our Chronicles lay, that many things were
done in this parliament, to the displeasure of no small num-
ber of people, to wit, for that diverse rightfull heires were
disinherited of their lands & liuings, with which wrongfull
doings the people were much offended, so that the king
with those that were about him, and chiefe in counsell, came
into great infamy and slander.

Ivst. My good Lord, if your Lordship will pardon
mee, I am of opinion that those Parliaments wherein the
kings of this land haue satisfied the people, as they haue
beene euer prosperous, so where the king hath restrained the
house, the contrary hath happened, for the Ks atchuevements
in this Parliament, were the ready preparations to his ruine.

Cov: You meane by the general discontent that follow-

ed; and because the King did not proceede legally with Gloster and others. Why Sir, this was not the first time that the Kings of England haue done things without the Counsell of the land : yea, contrary to the law.

Ivst : It is true my Lord insome particulars, as eten at this time the Duke of Gloucester was made away at Callice by strong hand, without any lawfull triall: for he was a man so beloued of the people and so allied, hauing the Dukes of Lancaster, and Yorke his brethren, the Duke of Aumarle, and the Duke of Hereford his Nephewes, the great Earles of Arundell and Warwicke, with diuerse other of his part in the conspiracy, as the King durst not trie him according to the law: for at the triall of Arundell and Warwicke, the king was forced to entertaine a petty army about him. And though the Duke was greatly lamented, yet it cannot be denied but that he was then a traytor to the King. And was it not so my Lord with the Duke of Guise : your Lordship doth remember the spurgald proverbe, that *necessisse
hath no law*: and my good Lord, it is the practice of doing wrong, and of generall wrongs done, that brings danger, and not where kings are prest in this or that particular, for there is great difference betwecne naturall crueltie and accidentall. And therefore it was Machiauels advice, that *all that a King did in that kind, he shall do at once, and by his mercies afterwards make the world know that his cruelty was not affected*. And my Lord take this for a generall rule, that the immortall policy of a state cannot admit any law or privilege whatsoeuer, but in some particular or other, the same is necessarily broken, yea in an Aristocracie or popular estate, which vaunts so much of equality and common riught, more outrage hath beeene committed then in any Christian Monarchy.

Covns. But whence came this hatred betweene the Duke and the King his Nephew.

Ivst. My Lord the Dukes constraining the King when he was young, stooke in the Kings heart, and now the Dukes proud speech to the King when hee had rendred Brest for-

merly

merly engaged to the Duke of Brittain, kindled againe these coales that were not altogether extinguished, for he vse
these words: *Your grace ought to put your body in great paine
to winne a strong hold or towne by feates of armes, ere you take
upon you to sell or deliuer any towne gotten by the manhood and
strong hand and policy of your noble progenitors.* Whereat,
sayth the story, the King changed his countenance, &c and
to say trueth, it was a proud and maisterly speech of the
Duke; besides that inclusively hee taxed him of sloath and
cowardise, as if he had never put himselfe to the adventure
of winning such a place, vndutifull wordes of a subiect do
often take deeper roote then the memory of ill deedes do:
The Duke of Biton found it when the King had him at ad-
vantage. Ye the late Earle of Essex told Queen Elizabeth
that her conditions was as crooked as her carkasse: but it cost
him his head, which his insurrection had not cost him, but
for that speach, who will say vnto a King (saith Job) thou art
wicked, Certainly it is the same thing to say vnto a Lady, thou
art crooked (and perchance more) as to say vnto a King
that he is wicked, and to say that hee is a coward, or to vse
any other wordes of disgrace, it is one and the same er-
rour.

*Humenum est
errare.*

C O V N : But what say you for Arundell, a braue and valiant
man, who had the Kings pardon of his contempt during his
minority.

I V S T : My good Lord, the Parliament which you say dis-
putes the Kings prerogatiue, did quite contrary, and destroy-
ed the kings charter and pardon formerly giuen to Arundell.
And my good Lord, do you remember, that at the Parlia-
ment that wrought wonders, when these Lords compoun-
ded that parliament, as the King did this, they were for-
cible towards all, that they thought their enemies, as the
Earle of Arundell most insolently suffered the Queen to knocle
vnto him three houres for the saving of one of her servants,
and that scorne of his *manebat alio me repositum*. And to say
the truth, it is more barbarous & vnpardonable then any act
that ever hee did to permit the wife of this Soueraigne to

kneele to him being the Kings vassallē. For if he had fauēd the Lords seruant freely at her first request, as it is like enoūgh that the Quē would also haue fauēd him, *Miseris fac-
currens paria obrembis aliquando*: For your Lordship sees that the Earle of Warwicke who was as farre in the treason as any of the rest, was pardoned. It was also at this parliament that the Duke of Hereford acused *Mowbray* Duke of Norfolke, and that the Duke of Hereford, sonne to the Duke of Lancaster, was banished to the Kings confusioñ, as your Lordship well knowes.

Cov n s, I know it well and God knowes that the K. had then a silly and weake Councell about him, that perswaded him to banish a Prince of the blood, a most valiant man, and the best beloved of the people, in generall of any man living, especially considering that the K. gaue every day more then other offence to his subiects. For besides that he fined the inhabitants that affilid the Lords in his Minority of the 17 shires (which offence he had long before pardoned), his blank Charters, and letting the Realme to farme to meane persons, by whom he was wholly advised, increased the peoples hatred towards the present gouernment.

Iv s t: You say well my L. Princes of an ill destiny do alwaies follow the worstcouncell, or at least imbrace the best after opportunity is lost, *Qui consilia non ex suo corde sed ali-
enis viribus colligunt, non animo sed auribus cogitant*. And this was not the lealst griefe of the subiect in generall, that those men had the greatest part of the spoile of the commonwealth, which neither by vertue, valour or counsell could adde any thing vnto it: *Nihil est Fordidius, nihil crudelius, (faith Anse-
Pins) quasi Remp. iſ arrode, quis nibil in eam suo labore conferent*.

Cov n s: Indeede the letting to farme the Realme was verie grieuous to the subiect.

Iv s t: Will your Lordship pardon me if I tel you that the letting to Farme of his Maiesties Customes (the greatest revenue of the Realme) is not very pleasing.

Cov n s: And why pray you, doth not the K. thereby raise his profits every third yeare, and one farmer out bids another to the Kings advantage.

Iv s t:

Iv st. It is true my Lord, but it grieues the subiect to pay custome to the subiect, for what mighty men are those Farmers become, and if those Farmers get many thousands every yeare, as the world knowes they doe, why should they not now (being men of infinite wealth) declare vnto the K. vpon an oath, what they haue gained, and henceforth become the Kings collectors of his Custome, did not Queen Elizabeth who was reputed both a wise and just Princesse, after shee had brought *Customer Smith* from 14000^l a yeare to 42000^l a yeare, made him lay downe a recompence for that which hee had gotten? And if these Farmers doe giue noe recompence, let them yet present the King with the trueth of their receivings and profits. But my Lord for conclusion, after *Bollingbrooke* arriuing in *England* with a small troope: Notwithstanding the King at his Landing out of *Ireland*, had a sufficient and willing army: yet hee wanting courage to defend his right, gaue leaue to all his Souldiers to depart, and put himselfe into his hands that cast him into his graue.

Cov ns. Yet you see, he was depos'd by Parliament.

Iv st. A swell may your Lordship say he was knock't in the head by Parliament, for your Lordship knowes that if King *Richard* had euer escaped out of their fingers, that depos'd him, the next Parliament would haue made all the deposers traitors and rebels, and that justly. In which Parliament, or rather vnlawful assembly, there appeared but one honest man, to wit, the B. of *Carriel*, who scorned his life, and estate, in respect of right & his allegiance, & defded the right of his Soueraigne Lo: against the K. elect and his partakers.

Cov ns. Well I pray go on with the Parliaments held in the time of his successor *Henry the fourth*.

Iv st. This King had in his third yeare a subsedy, and in his fift a tenth of the Cleargie without a Parliament; In his sixte yeare he had so great a subsedie, as the House required there might be no record thereof left to posterity, for the House gave him 20^l of euery knight's Fee, and of euery 20^l land, 2 od and 12^d the pound of goods.

Cov ns. Yea in the end of this yere, the Parliament prest the

King to annex vnto the Crowne all temporall possessions belonging to Church-men within the land, which at that time, was the third foot of all *England*. But the Bishops made friends, and in the end sau'd their estates.

Ivst. By this you see, my Lord, that *Cromwell*, was not the first that thought on such a busines. And if King *Henry the 8th* had refresht the Abbeys, and other Church lands, which he had giuen at that time, the revenue of the Crowne of *England*, had exceeded the revenue of the Crowne of *Spaine*, with both the *Indies*, whereas vsed as it was, (a little enriched the Crowne) serued but to make a number of pettifoggers, and other gentlemen.

Covns. But what had the king in steed of this great revenue.

Ivst. Hee had a 15th of the Commons, and a tenth, and a halfe of the Clergy, and withall, all pensions graunted by king *Edward*, and king *Richard* were made voide. It was also moved, that all Crowne lands formerly giuen, (at least giuen by K. *Ed:* and K. *Ricb:*) should be taken backe.

Covns. What thinke you of that, Sir? would it not haue bee[n] a dishonour to the king? and would not his Successors haue done the like to those that the King had aduanced?

Ivst. I cannot answeare your Lordship, but by distinguishting, for where the Kings had giuen land for seruices, and had not bee[n] ouer-reached in his gifts, there it had bin a dishonour to the king, to haue made voide the graunts of his predecessors, or his graunts, but altho[n]e graunts of the Kinges, wherein they were deceived, the very custome and policy of *England* makes them voyde at this day.

Covns. How meane you that, for his Majestie hath giuen a great deale of Land among vs since he came into *England*, and would it stand with the Kinges honour to take it from vs againe.

Ivst. Yea my Lord, very well with the Kinges honour, if your Lordship, or any Lordel[i]c, haue vnder the name of 100 l[ondon] land a yeare, gotten 500 l[ondon] land, and so after that rate.

Covns.

Covns. I will never believe that his Majestie will ever doe any such thing.

Ivst. And I believe as your Lordship doth, but we speake e're while of those that dissuaded the King from calling it a Parliament: And your Lordship asked me the reason, why any man should dissuade it, or feare it, to which, this place giues me an opportunity to make your Lordship an answer, for though his Majesty will of himself never question those graunts, yet when the Commons shall make humble petition to the King in Parliament, that it will please his Majestie to assist them in his relieve, with that which ought to be his owne, which, if it will please his Majestie to yeeld vnto, the house will most willingly furnish and supply the rest, with what grace can his Majestie deny that honest suite of theirs, the like having beeene done in many Kings times before? This proceeding, my good Lord, may perchance proue all your phrases of the Kings honour, false English.

Covns. But this cannot concerne many, and for my self, I am sure it concernes me little.

Ivst. It is true my Lord, and there are not many that dissuade his Majestie from a Parliament.

Covns. But they are great ones, a few of which will serue the turne well enough.

Ivst. But my Lord, be they never so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K: may be else where supplied, for they otherwise runne into a dangerous fortune.

Covns. Hold you contented Sir, the King needes no great dissuasion.

Ivst. My Lord, learne of me, that there is none of you all, that can pierce the King, It is an essentiall property of a man truly wise, not to open all the boxes of his bosome, even to those that are nearest and dearest vnto him, for when a man is discovered to the very bottome, he is after the lesse esteemed. I dare adoeck, that when your Lordship hath serued the King twice twelve yeares more, you will finde, that his

Majestie

Majestic hath reserved somewhat beyond all your capacities, his Majesty hath great reason to put off the Parliament, at his last refuge, and in the meane time, to make triall of all your loues to serue him, for his Majestie hath had good experience, how well you can serue your selues: But when the King finds, that the building of your owne fortunes and factions, hath beeene the diligent studies, and the service of his Majestic, but the exercises of your leisures: Hee may then perchance cast himself vpon the generall loue of his people, of which (I trust) hee shal never be deceived, and leue as many of your Lordships as haue pilfered from the Crowne, to their examination.

Covns. Well Sir, I take no great pleasure in this dispute, goe on I pray.

Ivs r. In that Kinges 5th yeare, hee had also a subsedy, which he got by holding the house together from Easter to Christmas, and would not suffer them to depart. He had also a subsedy in his ninth yeare. In his eleventh yeare the Commons did againe presse the king to take all the temporalities of the Church-men into his hands, which they proved sufficient to maintaine 150. Earles, 1500. knights, & 6400. Esquires, with a hundred hospitals, but they not prevayling, gaue the King a subsidy.

Hen. 5. As for the notorious Prince, *Henry the fift*, I finde, that he had given him in his second yeare 300000. marks, and after that two other subsidies, one in his fift yeare, another in his ninth, wthout any disputes.

Hen. 6. In the time of his succellour *Henry the sixt*, there were not many subsidies. In his third yeare, he had a subsidy of a Tunnage and Poundage. And here (faith *John Stow*) began those payments, which wee call customes, because the payment was continued, whereas before that time it was granted but for a yeaer, two or three, according to the kings occasions. He had also an ayde and gathering of money in his fourth yeare, and the like in his tenth yeare, and in his thirteenth yeare a 15th. He had also a fifteenth for the contryeing

of the Queen out of France into England. In the twenty eight yeare of that King was the acte of Resumption of all honours, townes, castles, Signeuries, villages, Manors, lands, tenements, rents, reversions, fees, &c. But because the wages of the Kings seruants, were by the strictnes of the acte also restrained, this acte of Resumption was expounded in the Parliament at R^tading the 31th yeare of the Kings reigne.

Covns. I perceue that those acts of Resumption were ordinary in former times ; for King Stephen resumed the lands, which in former times he had giuen to make friends during the Ciuill warres. And Henry the second resumed all (without exception) which King Stephen had not resumed ; for although King Stephen tooke backe a great deale, yet he suffered his truistest servants to enjoy his gift.

Ivst. Yes my Lord, & in after times also ; for this was not the last, nor shall be the last, I hope. And judge you my Lord, whether the Parliaments doe not only serue the King, whatsoever is said to the contrary ; for as all King Henry the 6, gifts and graunts were made voide by the Duke of York, when he was in possession of the kingdome by Parliament. So in the time of K. H. when K. Edw : was beaten out again, the Parliament of Westminster made all his acts voyde, made him & all his followers traytors, and gaue the King many of their heads & lands. The Parliaments of England do alwaies serue the King in possession. It seru'd Rich. the second to condemne the popular Lords. It seru'd Bollingbrooke to depose Rich. When Edw. the 4 had the Scepter, it made them all beggars that had followed H. the 6. And it did the like for H. when Edw. was driuen out. The Parliaments are as the friendship of this world is, which alwayes followeth prosperity. For K. Edw. the 4: after that he was possessed of the Crown, he had in his 13. yeare a subledy freely giuen him : & in the yearre following hee tooke a benevolence through England, which arbitrary taking frō the people, seru'd that ambitious traytor the Duke of Bucks. After the Kings death was a plausible argument to perswade the multitude,

that they shold not permit (saith Sir Thomas Moore) his
line to raigne any longer vpon them.

Covns. Well Sir, what say you to the Parliament of
Richard the third his time?

Ivst. I finde but one, and therein he made diuerse good
Lawes. For K. Henry the feuenth in the beginning of his third
yeare he had by Parliament an ayde granted vnto him, to-
wards the relief of the Duke of Britaine, then assailed by
the French King. And although the King did not enter into
the warre, but by the aduise of the three estates, who did
willingly contribute: Yet those Northerne men which loued
Richard the third, raised rebellion vnder colour of the mony
impos'd, & murthered the Earle of Northumberland whom
the King employed in that Collection. By which your
Lordship sees, that it hath not beeene for taxes and impositi-
ons alone, that the ill disposed haue taken Armes; but euen
for those payments which haue beeene appoynted by Parlia-
ment.

Covns. And what became of these Rebels?

Ivst. They were fairely hang'd, and the money levied
notwithstanding, in the Kings firt yeare he gathered a mar-
vailous great masse of mony, by a benevolence, taking pat-
terne by this kind of levie from Edw. 4th. But the King cau-
sed it first to be moued in Parliament where it was allowed,
because the poorer sort were therein spared. Yet it is true
that the King vsed some arte, for in his Letters hee declared
that hee would measure every mans affections by his gifts.
In the thirteenth yeare hee had also a subsedy, whercupon
the Cornish men tooke Armes, as the Northerne men
of the Bishopprikke had done in the third yeare of the
King.

Covns. It is without example, that euer the people
haue rebelled for any thing granted by Parliament, saue in
this kings dayes.

Ivst. Your Lordship must consider, that he was not o-
uer much belou'd, for hee tooke many advantages vpon the
people and the Nobility both.

Covns.

Covns. And I pray you what say they now of the new impositions lately laide by the Kings Maiesty? doe they say that they are justly or vnjustly laide?

Iv s^t. To Impose vpon all things brought into the Kingdome is very ancient: which imposing when it hath beene continued a certayne time, is then called Customes, because the Subiects are accustomed to pay it, and yet the great taxe vpon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many yeares. But we doe now a dayes vnderstand those things to bee impositions, which are raised by the commaund of Princes, without the aduice of the common-wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogatiue royall: Now whether it be time or consent that makes them just, I cannot define, were they just because new, and not justified yet by time, or vnjust because they want a generall consent: yet is this rule of Aristotle verified in respect of his Majestie: *Minus timendo homines iniustum pati a principe quem cultorem dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Invention of the Kings. and if those that advised his Majestie to impose them, had raised his lands(as it was offered them) to 2 0000^l more then it was, and his wards to as much as aforesaid, they had done him farre more acceptable seruice. But they had their owne ends in refusing the one, and accepting the other, If the land had beene railed, they could not haue selected the best of it for themselues: If the impositions had not been laide, some of them could not haue their silkes, others peecees in farme, which indeed grieuod the subiect tenne times more then that which his Majestie enjoyeth. But certainly they made a great aduantage that were the advisers, for if any tumult had followed his Maiesty, ready way had beeene to haue deliuerned them ouer to the people.

Covns. But thinke you that the King would haue deliuerned them if any troubles had followed?

Iv s t. I know not my Lord, it was *Machiavels* counsell to *Cesar Borgia* to doe it, and K. H. the 8. deliuered vp *Empson* and *Dudley*, yea the same King, when the great *Cardinall Woolsey*, who gouerned the King and all his estate, had (by requiring the fixt part of euery mans goods for the King) raised a rebellion, the King I say disavowed him absolutely, that had not the Dukes of *Norfolke* and *Suffolke* appeas'd the people, the Cardinal had lung no more Masse: for these are the words of our Story: The King then came to *Westminster* to the Cardinals palace, and assembled there a great Councell, in which he protested, that *his minde was never to aske any thing of his commons which might found to the breach of his Lawes.* Wherefore hee then willed them to know by whose meanes they were so strictly giuen foorth. Now my Lord, , how the Cardinal would haue shifted himselfe, by saying, *I had the opinion of the Indges*, had not the rebellion beene appeas'd, I greatly doubt.

Cov ns. But good Sir, you blanch my question, and answere mee by examples. I aske you whether or noe injany such tumult, the people pretending against any one or two great Officers, the King should deliuere them, or defend them?

Iv s z. My good Lord, the people haue not stayde for the kings deliuerie, neither in *England*, nor in *France*: Your Lordship knowes how the Chaneellour, Treasurer, and Chiefe Justicie, with many others at seuerall times haue bin vsed by the Rebels: And the Marshals, Constables, and Treasurers in *France*, haue beene cut in peeces in *Charles the fixt* his time. Now to your Lordships question, I say that where any man shall giue a King perilous advice, as may either cause a Rebellion, or draw the peoples loue from the King, I say, that a King shall be advised to banish him: But if the King doe absolutely command his seruants to doe any thing displeasing to the Comwne wealth, and to his own perill, there is the King bound in hys honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay any

any invention either grieuous or against law vpon the Kings Maiesty : And therefore your Lordships must share it amongst you.

Cov ns. For my part, I had no hand in it, (I thinke) *Ingram* was he that propounded it to the Treasurer.

Ivst. Alas my good Lord, every poore wayter in the Custome-house , or euery promooter might haue done it, there is no invention in these things. To lay impositions, and sell the Kings lands, are poore and common deuices. It is true that *Ingram* and his fellowes are odious men, and therefore his Maiestie pleaf'd tho people greatly to put him from the Coffer-shipp. It is better for a Prince to vse such a kinde of men, then to countenance them, hang-men are necessary in a common-wealth : yet in the Netherlands, none but a hangmans sonne will marry a hangmans daughter. Now my Lord, the last gathering which *Henry* the seauenth made, was in his twentieth yeare, wherein hee had another benevolence both of the Cleargy and Laity, a part of which taken of the poorer sort, hee ordained by his testament that it should bee restored. And for King *Henry* the eight , although hee was left in a most plentifull estate, yet hee wonderfully prest his people with great payments ; for in the beginning of his time it was infinite that he spent in Masing and Tilting, Banqueting, and other vanities, before he was entred into the most consuming expence of the most fond and fruitlesse warre that euer King yndertooke. In his fourth yeare he had one of the greatest subsedies that euer was graunted ; for besides two fifteenes and two dismes, he vsed *Dauids Lawe* of Capitation or head money, and had of euery Duke ten marks, of euery Earle fife pounds, of euery Lord foure pounds, of euery Knight foure markes, and euery man rated at 8*d* in goods, 4 markes, and so after the rate : yea euery man that was valued but at 4*d* paide 1*2d*, and euery man and woman aboue 1*5* yeares 4*d*. Hee had also in his sixt yeare diuers subsedies granted him. In his fourteenth their was a tenth demandyd of euery mans goods, but it was moderated. In the Parliament following,

the Clergie gaue the King the halfe of their spirituall liuings for one yere, & of the Laity there was demanded 800000^l, which could not be leavied in England, but it was a marueilous great gift that the king had giuen him at that time. In the Kings seuenteenth yere was the Rebellion before spoken of, wherein the King disfavoured the Cardinall: In his seuenteenth yeere hee had the tenth and fifteenth giuen by Parliament, which were before that time paide to the Pope. And before that also, the monyes that the King borrowed in his fifteenth yeaire were forgiuen him by Parliament in his seuenteenth yeaire. In his 35.yeaire a subseydye was granted of 4^d the pound of euery man worth in goods from 20^l to 5^l; from 5^l to 10^l and vpwards of every pound 2^d. And all strangers, denisens and others doubled this summe, strangers not being inhabitants aboue 16. yeares 4^d a head. All that had Lands, Fees, and Annuities, from 20 to 5. and so double as they did for goods: And the Cleagie gaue 6^d the pound. In the thirty seuenth yere, a Benevolence was taken not voluntary, but rated by Commissioners, which because one of the Aldermen refused to pay, he was sent for a souldier into Scotland. He had also another great subseydye of sixe shillings the pound of the Clergy, and two shillings eight pence of the goods of the Laity, and four shillings the pound vpon Lands.

In the second yere of Edward the sixt, the Parliament gaue the King an ayde of twelue pence the pound of goods of his Naturall subiects, and two shillings the pound of strangers, and this to continue for three yeares, and by the statute of the second and third of Edward the sixt, it may appeare, the same Parliament did also give a second ayde, as followeth, (to wit) of every Ewe kept in severall pastures, 3^d: of every weather kept as aforesaid 2^d: of every sheepe kept in the Common, 1^d ob. The House gaue the King also 8^d the pound of euery woollen cloath made for the sale throughout England for three yeares. In the third and fourth of the King, by reason of the troublesome gathering of the poly mony vpon sheepe, and the taxe vpon cloath, this ayde of subseydye

fedys was repeal'd, and other reliefs giuen the King, and in the kings seauenth yeare hee had a subsedy and two fifteenes.

In the first yeare of Queene *Mary*, tunnage and poun-*M.R.* dage were granted. In the second yeare a subsidy was ginen to King *Philip*, and to the Queene, shee had also a third sub-*edy in Annis 4. & 5.*

Now my Lord, for the Parliaments of the late *Queenes Eliz.R.* time, in which there was nothing new, neither head money, nor sheepe money, nor escuage, nor any of these kindes of payments was required, but onely the ordinary subsedies, & those as easilly graunted as demaunded, I shall not neede to trouble your Lordship with any of them, neither can I informe your Lordship of all the parlasses and actes which haue passed, for they are not extant, nor printed.

Covns. No, it were burt time lost to speake of the latter, and by those that are already remembred, we may iudge of the rest, for those of the greatest importance are publicke. But I pray you deale freely with mee, what you thinke would bee done for his Maiestie, if hee should call a Parliament at this time, or what would be required at his Maiesties hands?

Ivst. The first thing that would be required, would be the same that was required by the Commons in the thirteenth yeare of *H.*, the 8: (to wit) that if any man of the commons house should speake more largely, then of duety hee ought to doe, all such offences to be pardoned, and that to be of record.

Covns. So might every Companion speake of the King what they list.

Ivst. No my Lord, the reverence which a Vassall oweth to his Soueraigne, is alwaies intended for every spech, howsoever it must import the good of the King, and his estate, and so long it may bee easily pardoned, otherwise not; for in *Queene Elizabeths* time, who gaue freedome of speech in all Parliaments, when *Wentworth* made those moti-

motions, that were but supposed dangerous to the Queenes estate, he was imprisoned in the Towre, notwithstanding the priviledge of the house, and there died.

Covns. What say you to the *Scicilian vespers* remembred in the last Parliament?

Ivst. I say, hee repented him heartily that vsed that speech, and indeed besides that, it was seditious, this example held not: The *French* in *Sicily* vsurped that Kingdome, they kept neither law nor faith, they tooke away the inheritance of the Inhabitants, they tooke from them their wiues, and rauished their daughters, committing all other insolencies that could bee imagined. The Kings Maiesty is the Naturall Lord of *England*, his Vassals of *Scotland* obey the English Lawes, if they breake them, they are punished without respect. Yea his Maiesty put one of his Barons to a shamefull death, for being consenting onely to the death of a Common Fencer: And which of these ever did or durst commit any outrage in *England*, but to say the truthe, the opinion of packing the last, was the cause of the contention and disorder that happened.

Covns. Why sir? doe you not think it best to compound a Parliament of the Kings seruaunts and others, that shall in all obey the kings desires?

Ivst. Certainly no, for it hath never succeeded well, neither on the kings part, nor on the subiects, as by the Parliament before-remembred your Lordshippe may gather, for from such a composition doe arise all jealousies, and all contentions. It was practized in elder times, to the great trouble of the kingdome, and to the losse and ruine of many. It was of latter time vsed by King *Henry* the eight, but euery way to his disadvantage. When the King leaues himselfe to his people, they assure themselues that they are trusted and beloved of their king, and there was never any assembly so barbarous, as not to aunswere the loue and trust of their King. *Henry* the sixt when his estate was in effect vtterly overthrowne, & vtterly impouerished at the

the humble request of his Treasurer made the same knowne to the House: Or otherwise, vsing the Tresurers own words He humbly desired the King to take his Staffe, that he might saue his wardship.

Counc. But you know, they will presently be in hand with those impositions, which the King hath layd by his owne Royall Prerogative.

Just. Perchance not my Lord; but rather with those impositions that haue beeene by some of your Lordships layd vpon the King, which did not some of your Lordships feare more then you doe the impositions layd vpon the Subiects, you would never dissuade his Maiestie from a Parliament: For no man doubted, but that his Maiestie was aduised to lay those impositions by his Councell; and for particular things on which they were layd, the aduice came from pettie fellowes (though now great ones) belonging to the Custome-House. Now my Lord, what prejudice hath his Maiestie (his Reuenue being kept vp) if the impositions that were layd by the aduice of a few, be in Parliament layd by the generall Councell of the Kindgome, which takes off all grudging and complaint.

Counc. Yea Sir, but that which is done by the King, with the aduice of his priuate or priuie Councell, is done by the Kings absolute power.

Just. And by whose power is it done in Parliament, but by the Kings absolute power? Mistake it not my Lord: The three Estates doe but aduise, as the priuie Councell doth, which aduice if the King imbrace, it becomes the Kings own Act in the one, and the Kings Law in the other, for without the Kings acceptation, both the publicke and priuate aduices be but as emptie Egg-shels: and what doth his Maiestie lose if some of those things, which concerns the poorer sort be made free againe, and the Reuenue kept vp vpon that which is superfluous? Is it a losse to the King to be beloued of the Common? If it be reuenu which the King seekes, is it not better to take it of those that laugh, then of those that cry? Yea if all be content to pay vpon moderation and change of

the Species : Is it not more honourable & more safe for the King, that the Subiect pay by perswasion, then to haue them contrayned ? If they be contented to whip themselues for the King, were it not better to giue them the Rod into their hands, then to commit them to the Executioner ? Certainly it is farr more happy for a Soueraigne Prince, that a Subiect open his purse willingly, then that the same be opened by violence. Besides, that when impositions are layd by Parliament, they are gathered by the authoritie of the Law, which (as aforesaid) reiecteth all complaints, and stoppeth euerie mutinous mouth . It shall euer be my prayer that the King embrase the Connell of Honour and safetie, and let other Princes embrase that of force.

Coune. But good Sir, it is his Prerogatiue which the King stands vpon, and it is the Prerogatiue of the Kings, that the Parliaments doe all diminish.

Just. If your Lordship would pardon me, I would say then, that your Lordships obiection against Parliaments is rediculous. In former Parliaments three things haue beeene supposed dishonour of the King. The first, that the Subiects haue conditioned with the King, when the King hath needed them, to haue the great Charter confirmed : The second, that the Estates haue made Treasurers for the necessarie and profitable disbursing of those summes by them giuen, to the end, that the Kings, to whom they were giuen, should expend them for their own defence, and for the defence of the Common-wealth : The third, that these haue prest the King to discharge some great Officers of the Crowne, and to elect others. As touching the first my Lord, I would faine learne what disaduantage the Kings of this Land haue had by confirming the great Charter, the breach of which haue serued onely men of your Lordships ranke, to assist their owne passions, and to punish and imprison at their owne discretion the Kings poore, Subiects. Concerning their priuate hatred, with the colour of the Kings seruice, for the Kings Majestic take no mans inheritance (as I haue said before) nor

any

any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majesty imprison any man (matter of practice, which concernes the preseruation of his estate excepted) but by the law of the land. And yet he vseth his prerogative as all the Kings of *England* haue euer vsed it: for the supreame reason cause to practise many things without the aduice of the law. As in insurrections and rebellions, it vseth the marshall, and not the common law, without any breach of the Charter, the intent of the Charter considered truely. Neither hath any Subject made complaint, or beene grieued, in that the Kings of this land, for their own safeties, & preseruation of their estates, haue vsed their Prerogatiues, the great Ensigne, on which there is written *soli Deo.* And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peeres vncall'd? And withall, was not *Byron* vtterly (contrary to the customes and priuiledges of the French) denyed an aduocate to affit his defence? for where lawes forecast cannot prouide remedies for future dangers, Princes are forced to affit themselues by their *Prerogatiues*. But that which hath beene euer grieuous, and the cause of many troubles, very dangerous is, that your Lordships abusing the reasons of state, doe punishe and imprison the Kings Subjects at your pleasure. It is you my Lords, that when Subjects haue sometimes neede of the Kings prerogative, doe then vse the strength of the law, and when they require the law, you affit them with the prerogative, and tread the great Charter (which hath been confirmed by 16. Acts of Parliament) vnder your feet, as a torne parchment or waste paper.

Counc. Good Sir, which of vs doe in this sort break the great Charter? perchance you meane, that we haue aduised the King to lay the new impositions.

Jus. No my Lord: there is nothing in the great Charter against impositions: and besides that, necessity doth perswade them. And if necessitie doe in somewhat excuse a private man *a fortiori*, it may then excuse a Prince. Againe,

the Kings Maiestie hath profit and increase of revenue by the impositions. But there are of your Lordships (contrarie to the direct Letter of the Charter) that imprison the Kings Subiects, and deny them the benefit of the Law, to the Kings disprofit. And what doe you otherwise thereby (if the impositions be in any sort grieuous) but *Renonarc dolores?* And withall digg out of the dust the long-buried memorie of the Subiects former intentions with their Kings.

Counc. What meane you by that?

Just. I will tell your Lordship when I dare, in the meane time it is enough for me, to put your Lordship in mind, that all the Estates in the World, in the offence of the people, haue either had profit or necessitie to perswade them to aduenture it, of which, if neither be vrgent, and yet the Subiect exceedingly grieved, your Lordship may conjecture, that the House will be humble suitors for a redresse. And if it be a Maxime in policie to please the people in all things indifferent, and neuer suffer them to be beaten, but for the Kings benefit (for there are no blowes forgotten with the smart but those) then I say to make them Vassalsto Vassals, is but to batter downe those mastering buildings, erected by King *Henry* the Seuenth, and fortified by his Sonne, by which the People and Gentry of *England* were brought to depend vp on the King alone. Yea my good Lord, our late deare Soueraigne kept them vp, and to their aduantage, as well repaireed as euer Prince did. Defend me, and spend me, saith the Irish Churle.

*Douene
Elizabeth.*

Counc. Then you thinke that this violent breach of the Charter will be the caufe of seeking the conformatio[n] of it in the next Parliament, which otherwise could neuer haue been moued.

Just. I know not my good Lord, perchance not, for if the House preesse the King to graunt vnto them all that is theirs by the Law, they cannot (in Justice) refuse the King all that is his by the Law. And where will be the issue of such a contention? I dare not dittine, but sure I am that it will

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tend to the prejudice both of the King and Subject.

Counc. If they dispute not their own liberties, why should they then dispute the Kings liberties, which we call his Prerogative.

Inst. Among so many and so diuers Spirits, no man can foretell what may be propounded, but howsoeuer, if the matter be not slightly handled on the Kings behalfe, these disputes will soone dissolve, for the King hath so little need of his Prerogative, and so great aduantage by the Lawes, as the feare of impairing the one, to wit, the Prerogative, is so impossible, and the burthen of the other, to wit, the Law so weightie, as but by a branch of the Kings Prerogative, namely, of his remission and pardon, the Subject is no way able to vndergoe it. This my Lord is no matter of flourish that I haue said, but it is the truth, and vnanswerable.

Counc. But to execute the Lawes verie seuerely, would be verie grieuous.

Inst. Why my Lord, are the Lawes grieuous which our felues haue required of our Kings? And are the Prerogatives also which our Kings haue referred to themselues also grieuous? How can such a people then be well pleased? And if your Lordship confesse that the Lawes give too much, why does your Lordship vrge the Prerogative that gives more? Nay I will be bold to say it, that except the Lawes were better obserued, the Prerogative of a religious Prince hath manifold leſſe perils then the Letter of the Law hath. Now my Lord, for the second and thurd, to wit, for the appointing of Treasurers, and remouing of Councillors, our Kings haue euermore laught them to scorne that haue prest either of these, and after the Parliament dissolved, tooke the money of the Treasurers of the Parliament, and recalled and restored the Officers discharged, or else they haue beeene contented, that some such persons should be remoued at the request of the whole Kingdome, which they themselues out of their Noble natures, would not seeme willing to remoue.

Counc. Well Sir, Would you notwithstanding all these arguments aduise his Majestie to call a Parliament?

Inſt. It belongs to your Lordships who enjoy the Kings fauour, and are chosen for your able wisedome to aduise the K. It were a strange boldnesse in a poore and priuate person, to advise Kings, attended with so vnderstanding a Councell. But belike your Lordships haue conciuied some other way, how money may be gotten otherwise. If any trouble should happen, your Lordship knowes, that then there were nothing so dangerous for a King, as to be without money: A Parliament cannot assemble i[n] a haste, but present dangers require hasty remedies. It will be no time then to discontent the subiects by vsing any vnordinary wayes.

Coune. Well Sir, all this notwithstanding wee dare not advise the King to call a Parliament, for if it shoulde succeede ill, we that advise, shoulde fall into the Kings disgrace. And if the King be driuen into any extremity, wee can say to the K. that because we found it extremely vnpleasing to his Maieſtie to heare of a Parliament, we thought it no good manners to make such a motion.

Inſt. My Lord, to the first let me tell you, that there was never any iuft Prince that hath taken any advantage of the ſuccesse of Councils, which haue bee[n] founded on reaſon. To feare that, were to feare the losſe of the bell, more then the losſe of the ſteeple, and were also the way to beate all men from the ſtudies of the Kings ſeruice. But for the ſecond, where you ſay you can excuse your ſelues vpon the Kings owne protesting againſt a Parliament, the King vpon better conſideration may encounter that finenesſe of yours.

Coune. How I pray you?

Inſt. Euen by declaring himſelfe to be indifferent; by calling your Lordships together, and by deliuering vnto you that he heares how his louing ſubiects in generoll are willing to ſupply him, if it please him to call a Parliament, for that was the common anſWERE to all the Sheriffes in England, when the late benevolence was comauanded. In which reſpect, and because you come ſhort in all your projects, and because it is a thing moſt dangerous for a King to bee without treasure, he requires ſuch of you, as either miſlike, or rather

ther feare a parliament, to set down your reasons in writing, which you either misliked, or feared it. And such as will and desire it, to set downe answers to your obiections: And so shall the King prevent the calling or not calling on his Maiestie, as some of your great Councellers haue done in many other things shrinking vp their shoulders, and saying, the K. will haue it so.

Counc. Well Sir, it growes late, and I will bid you fare-well, onely you shall take well with you this aduice of mine, that in all that you haue said against our greatest, those men in the end shall be your Judges in their owne cause, you that trouble your selfe with reformation, are like to be well rewarded: for hereof you may assure your selfe, that we will neuer allow of any inuention how profitable soever, vnlesse it proceede, or seeme to proceede from our selues.

Inſt. If then my Lord, we may presume to say that Princes may be vnhappy in anything, certainly they are vnhappy in nothing more then in suffering themselues to be so incloſed. Againe, if we may beleue *Pliny*, who tells vs, that 'tisan ill signe of prosperity in any kingdome or state, where such as deserue well, find no other recompence then the contentment of their owne consciences, a farre worse signe is it where the justly accused shall take revenge of the just accuser. But my good Lord, there is this hope remaining, that seeing he hath beene abused by them he trusted most, he will not for the future dishonour of his iudgement (so well informed by his owne experience) as to expose such of his vafals (as haue had no other motiues to serue him, then simply the loue of his person and his estate) to their revenge, who haue onely beene moued by the loue of their owne fortunes, and their glory.

Counc. But good Sir, the King hath not beeene deceiu'd by all.

Inſt. No my Lord, neither haue all beeene trusted, neither doth the world accuse all, but beleue, that there be among your Lordships very iust and worthy men, aswell of the Nobility as others, but those though mest honour'd in the

Common-

Common-wealth, yet haue they not beeene most employed: Your Lordship knows it well enough, that thace or foure of your Lordships haue thought your hands strong enough to beare vp alone the weightiest affaires in the Common-wealth, and strong enough, all the Land haue found them to beate downe whom they pleased.

Counc. I vnderstand you, but how shall it appeare that they haue onely sought themselues.

Iust. There needs no perspectiue glasse to discerne it, for neither in the treaties of Peace and Warre, in matters of Reuenue, and matters of Trade, any thing hath hapned either of loue or of iudgement. No my Lord, there is not any one action of theirs eminent, great or small, the greatness of themselues onely excepted.

Counc. It is all one, your Papers can neither answer nor reply, we can. Besides you tell the King no newes in deliuering these Complaints, for he knowes as much as can be told him.

Iust. For the first my Lord, whereas he hath once the reasons of things deliuered him, your Lordships shall need to be well aduised, in their answers there is no sophistry will serue the turne, where the Judge, and the vnderstanding are both supreme. For the second, to say that his Maiestie knowes, and cares not, that my Lord were but to despaire all his faithfull Subiects. But by your fauour my Lord, wee see it is contrarie, we find now that there is no such singular power as there hath beeene, Iustice is described with a Balance in her Hand, holding it euen, and it hangs as euen now as euer it did in any Kings dayes, for singular authoritie begets but generall oppression.

Counc. Howsoeuer it be, that's nothing to you, that haue no interest in the Kings fauor, nor perchance in his opinion, and concerning such a one, the misliking, or but misconceiuing of any one hard word, phrase, or sentence, will giue argument to the King either to condemne or reiect the whole discourse. And howsoeuer his Maiestie may neglect your informations, you may be sure that others(at whom you point) will

will not neglect their reuenges, you will therefore confess it (when it is too late) that you are exceeding sorry that you haue not followed my aduice. Remember Cardinall *Woolsey*, who lost al men for the Kings seruice, & when their malice (whom he grieved) had out-lued the Kings affection, you know what became of him as well as I.

Inſt. Yea my Lord, I know it well, that malice hath a longer life, than either loue or thankfulness hath, for as we alwaies take more care to put off paine, than to enjoy pleasure, because the one hath no intermission, & with the other we are often satisfied, so it is in the smart of injury and the memory of good turnes : *Wrongs are written in marble : Benefits are (sometimes) acknowledged, rarely required.* But my Lord, we shall doe the K. great wrong, to judge him by common rules, or ordinary examples, for seeing his Majesty hath greatly enriched and aduanced thosc that haue but pretended his seruice, no man needs to doubt of his goodnessse towards thosc that shal performe any thing worthy reward. Nay, the not taking knowledge of those of his owne vassals that haue done him wrong, is more to be lamented, than the relinquishing of thosc that doe him right, is to be suspected. I am therfore, my good Lo: held to my resolution by these 2, besides the former. The 1, that God would neuer haue blest him with so many yeeres, & in so many actions, yea in all his actions, had he paid his honest seruants with euill for good. The 2^d, where your Lordship tels me, that I will be sorry for not following your aduice, I pray your Lordship to beleue, that I am no way subiect to the commonorrowing of worldly men, this *Maxime of Plato* being true, *Dolores omnes ex amore animi erga corpus nascantur.* But for my body, my mind values it at nothing.

Couns. What is it then you hope for or seeke ?

Inſt. Neither riches, nor honour, or thankes, but I onely seeke to satisfie his Majesty (which I would haue bin glad to haue done in matters of more importance) that I *haue liv'd and will die an honest man.*

The Authours Epitaph, made
by himselfe.

*E*ven such is Time, which takes in trust
Our Youth, and Joy's, and all we have,
And payes vs but with age and dust,
Whish in the darke and silent grane,
When we haue wandred all our wayes,
Shuss up the glory of our dayes:
And from which Earth, and Grane, and Dust,
The Lord shall raise me vp I trust.

